



भारत का राजपत्र

The Gazette of India

प्राविकार से प्रकाशित

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No. 26] NEW DELHI, SATURDAY, JUNE 27, 1970/ASADHA 6, 1892

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह घलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के अताधारण राजपत्र 30 मई, 1970 तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 30th May 1970 :—

Issue No.	No. and Date	Issued by	Subject
174	S.O. 1700, dated 11th May, 1970.	Ministry of Foreign Trade Authorising Shri Suraj Raj Mather to take over the management of the Mahalaxmi Mill Company Ltd., Beawar.	
	का० आ० 1700 तारीख 11 मई, 1970।	विदेशी व्यापार मंत्रालय	श्री सुरज राज माथेर को महालक्ष्मी मिल्स कम्पनी लि०, ब्यावर का प्रबन्ध अपने अधिकार में लेने के लिए प्राधिकृत करना।
175	S.O. 1701, dated 11th May, 1970.	Ministry of Home Affairs	Declaring the duty by every person serving in Maharashtra for period of three months with effect from 9th May, 1970, as active duty.
	S.O. 1702, dated 11th May, 1970.	Do.	Declaring the duty by every person serving in Madhya Pradesh for period of three months with effect from 12th May, 1970 as active duty.

Issue No.	No. and Date	Issued by	Subject
176	S.O. 1703, dated 11th May, 1970.	Ministry of Home Affairs	Extending upto 31st July, 1970, the period within which the Commission of Inquiry shall make its report.
177	S.O. 1704, dated 11th May, 1970.	Do,	Nominating Shri S. R. Damani, Member of Parliament, as member of the Export Inspection Council.
178	S.O. 1750, dated 13th May, 1970.	Ministry of Petroleum and Chemicals and Mines and Metals.	Amendment in Notification No. S.O. 2464, dated 24th July, 1967.
179	S.O. 1751, dated 13th May, 1970.	Election Commission of India.	Appointing the Additional Sub-Divisional Officer/Additional sub-Divisional Magistrate, Sadar, Sultanpur, as the officer to assist the Returning Officer for 25-Sultanpur Parliamentary Constituency.
प्रमो ओ० 1751, दिनांक भारत निर्बन्धन आयोग 13 मई, 1970।		अपर उप-खण्ड आफिसर, /अपर उप-खण्ड मजिस्ट्रेट, सदर, मुल्तानपुर, की 25-मुल्तान-पुर संसदीय निर्बन्धन क्षेत्र के रिटार्निंग आफिसर को सहायता करने वाले आफिसर के रूप में नियुक्त करना।	
180	S.O. 1752, dated 16th May, 1970.	Ministry of Petroleum and Chemicals and Mines and Metals.	The Drugs (Prices Control) Order, 1970.
181	S.O. 1753, dated 18th May, 1970.	Ministry of Finance.	Exempting—(i) the State Bank of India, (ii) a subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), (iii) a banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949 (10 of 1949), from the operation of the provisions of section 16 of the Gold (Control) Act, 1968
182	S.O. 1754, dated 18th May, 1970.	Ministry of Foreign Trade	Amendment in Notification No. S.O. 771, dated 6th March, 1965.
का० ओ० 1754, दिनांक बिदेशी व्यापार मंत्रालय 18 मई, 1970।		अधिसूचना सं० का० ओ० 771, तारीख 6 मार्च, 1965 में मंशोधन करना।	
183	S.O. 1872, dated 18th May, 1970.	Election Commission of India.	By-election to the House of the People from the 51-Khundi (S.T.) Parliamentary Constituency.

Issue No.	No. and Date	Issued by	Subject
	एस० ओ० १८७२, दिनांक भारत निवाचन आयोग । १८ मई, १९७० ।		५१-खटी (ओ० जा०) संसदीय निवाचन क्षेत्र से लोक सभा के लिए उप-निवाचन ।
१८४	S.O. १८७३, dated 18th May, 1970.	Ministry of Petroleum, Chemicals, Mines and Metals.	Fixation of maximum prices at which the essential bulk drugs shall be sold.
१८५	S.O. १८७४, dated 19th May, 1970.	Ministry of Home Affairs	Extending upto 31st August, 1970 the period within which the Commission of Inquiry shall make its report.
१८६	S.O. १८७५, dated 20th May, 1970.	Ministry of Information and Broadcasting.	Approval of the films as specified in the Schedule therein.
	एस० ओ० १८७५, दिनांक २० मई, १९७० ।	सूचना और प्रसारण मंत्रालय ।	अनुमूली में दी गई फिल्मों को स्वीकृत करना ।
	S.O. १८७६, dated 20th May, 1970.	Do.	Approval of the film as specified in the Schedule therein.
	एस० ओ० १८७६, तारीख २० मई, १९७० ।	तदै३	अनुमूली में दी गई फिल्म को स्वीकृत करना ।
१८७	S.O. १८७७, dated 20th May, 1970.	Ministry of Law	Bye-election to the House of the People from the 74-Mathura Parliamentary Constituency in Uttar Pradesh.
	का० ओ० १८७७, तारीख २० मई, १९७० ।	विधि मंत्रालय	उत्तर प्रदेश में 74-मथुरा संसदीय निवाचन क्षेत्र से लोक सभा के लिए उप-निवाचन ।
१८८	S.O. १८७८, dated 21st May, 1970.	Ministry of Irrigation and Power.	Declaration that striking in any service connected with the supply of electrical energy to the public in the State of Tamil Nadu or with the generation, storage or transmission of electrical energy for the purpose of such supply would result in the infliction of grave hardships on the Community, to be an essential service.
	का० ओ० १८७८, तारीख २१ मई, १९७० ।	सिचाई और विद्युत मंत्रालय ।	तिमिल नाडु राज्य में जनता को विद्युत शक्ति की आपूर्ति से या ऐसी आपूर्ति के प्रयोजनार्थ विद्युत शक्ति के उत्पादन, भंडारकरण या संचरण से सम्बन्धित ऐसी किसी सेवा में, हड्डतालों के परिणामस्वरूप समुदाय को गम्भीर कठिनाई उत्पन्न हो, हर ऐसी सेवा को आवश्यक सेवा घोषित करना ।

Issue No.	No. and Date	Issued by	Subject
S.O. 1879, dated 21st May, 1970.	Ministry of Irrigation and Power		S.O. 1879, dated 21st May, 1970. Ministry of Irrigation and Power Prohibiting strikes in any service connected with the supply of electrical energy to the public or with the generation, storage or transmission of electrical energy for the purpose of such supply to be an essential service.
का० आ० 1879, दिनांक 21 मई, 1970।	तदैव	तमिल नाडु राज्य में ऐसी किसी सेवा में हड्डतालों का प्रतिषेध करना जो जनता को विद्युत शक्ति की आपूर्ति से आ ऐसी आपूर्ति के प्रयोजनार्थ विद्युत शक्ति उत्पादन, भंडारकरण या संचरण से सम्बन्धित आवश्यक सेवा घोषित की जा चुकी है।	
189 S.O. 1880, dated 22nd May, 1970.	Ministry of Foreign Trade	Direction that the Order No. S.O. 1196, dated the 13th April, 1966 shall continue to have effect for a further period upto the 15th July, 1970.	
का० आ० 1880, दिनांक 22 मई, 1970।	विदेशी व्यापार मंत्रालय	निदश देना आदेश सं० का० आ० 1196, दिनांक 13 अप्रैल, 1966 का प्रभाव 15 जुलाई 1970 तक की आगामी अवधि के लिए और बना रहेगा।	
190 S.O. 1881, Dated 23rd May, 1970.	Election Commission of India.	By-election to the House of the People from the 18-Durg Parliamentary Constituency.	
का० आ० 1881, दिनांक 23 मई, 1970।	भारत निर्वाचन आयोग।	18-दुर्ग संसदीय निर्वाचन क्षेत्र से नीक सभा के लिए उप-निर्वाचन।	
191 S.O. 1882, dated 23rd May, 1970.	Ministry of Finance.	Appointing on and from the 23rd May, 1970, Shri S. P. Kampani, Member, Central Board of Excise and Customs and ex-officio Jt. Secy. as Administrator in addition to his own duties.	
का० आ० 1882, दिनांक 23 मई, 1970।	वित्त मंत्रालय	23 मई, 1970 को और से श्री एस०पी० कम्पानी, सदस्य, केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड तथा पद्धेत संयुक्त सचिव के प्रशासक के रूप में नियुक्त करना।	

Issue No	No. and Date	Issued by	Subject
192.	S.O. 1883, dated 25th May, 1970.	Ministry of Petroleum and Chemicals and Mines and Metals.	Specifying the norms for conversion cost and packing charges for the purpose of paragraph 6 of the Drugs (Prices Control) Order, 1970.
193.	S.O. 1884, dated 25th May, 1970.	Ministry of Law	Bye-election to the House of the People from the 25-Sultanpur Parliamentary Constituency in Uttar Pradesh. उत्तर-प्रदेश में 25-सुलानपुर संसदीय निर्वाचन क्षेत्र से लोक सभा के लिए उप-निर्वाचन।
	का० आ० 1884, दिनांक 25 मई, 1970।	विधि मंत्रालय	
	S.O. 1884-A, dated 25th May, 1970.	Do.	Bye-election to the House of the People from the 38-Gorakhpur Parliamentary Constituency in Uttar Pradesh. उत्तर प्रदेश में 38-गोरखपुर संसदीय निर्वाचन क्षेत्र से लोक सभा के लिए उप-निर्वाचन।
194.	S.O. 1885, dated 26th May, 1970.	Department of Communications.	Specifying the 1st June, 1970 as the date on which the measured rate system will be introduced in Ratlam Telephone Exchange. रत्नम्.म टेलीफोन केन्द्र में 1-6-70 से प्रमाणित दर प्रणाली लागू करने का निश्चय करना।
	एम० ओ० 1885, दिनांक 26 मई, 1971।	संचार विभाग	
	S.O. 1886, dated 26th May, 1970.	Do.	Specifying the 31st May, 1970 as the date on which the Measured rate system will be introduced in Berhampur Telephone Exchange, West Bengal Circle. बरहामपुर टेलीफोन केन्द्र पश्चिमी बंगाल में 31-5-70 से प्रमाणित दर प्रणाली लागू करने का निश्चय करना।
195.	S.O. 1887, dated 26th May, 1970.	Ministry of Home Affairs	Direction that the Punjab University Act, 1947 (East Punjab Act 7 of 1947), shall have effect subject to further modification mentioned therein. पंजाब विश्वविद्यालय अधिनियम, 1947 (1947 का पूर्वी पंजाब अधिनियम 7) ऊपर उपान्तर के अधीन प्रभावी होगा का निर्देश।
	का० आ० 1887, दिनांक 26 मई, 1970।	गृह मंत्रालय	

Issue No.	No. and Date	Issued by	Subject
196.	S.O. 1888, dated 26th May, 1970. एस० ओ० 1888, दिनांक 26 मई, 1970।	Ministry of Information and Broadcasting. मूच्चना और प्रसारण मंत्रालय।	Approval of the films as specified in the schedule therein. अनुमूली में दी गई फिल्मों को स्वीकृत करना।
	S.O. 1889, dated 26th May, 1970. एस० ओ० 1889, दिनांक 26 मई, 1970।	Do. तदैव	Approval of the film as specified in the Schedule therein. अनुमूली में दी गई फि०म को स्वीकृत करना।
197.	S.O. 1977, dated 26th May, 1970. एस० ओ० 1977, दिनांक 26 मई, 1970।	Ministry of Railways. रेल मंत्रालय	Forwarding note for general merchandise. व्यापारिक माल के लिए अप्रेषण-पत्र।
198.	S.O. 1978, dated 27th May, 1970. एस० ओ० 1978, दिनांक 27 मई, 1970।	Ministry of Foreign Trade. विदेशी व्यापार मंत्रालय	Appointing Shri S. G. Purohit, Assistant Press Registrar, Office of the Registrar of News papers for India to exercise the powers of the Controller under Newsprint Control Order, 1962. भारत में समाचार पत्रों के कार्यालय में सहायक प्रेस रजिस्ट्रार के श्री एस० जी० पूरो-हित को श्री बारी कागज आदेश, 1962 के अधीन नियंत्रक की शक्तियों का प्रयोग करने के लिए नियुक्त करना।
199.	S.O. 1979, dated 29th May, 1970.	Cabinet Secretariat	The Government of India (Allocation of Business) (Eighty-first Amendment) Rules, 1970.
200.	S.O. 1980, dated 30th May, 1970. का० ओ० 1980, दिनांक 30 मई, 1970।	Ministry of Industrial Development, Internal Trade and Company Affairs. श्रीधोगिक विकास, आन्तरिक व्यापार तथा समवाय कार्य मंत्रालय।	Recognition to the Central India Commercial Exchange Limited, Gwalior for a further period of one year from the 2nd June, 1970 to the 1st June, 1971. सेन्ट्रल इंडिया कमर्शियल एक्सचेंज लिमिटेड, ग्वालियर को श्री और श्रांगे एक वर्ष की कालावधि के लिए 2 जून, 1970 से 1 जून, 1971 तक मान्यता प्रदान करना।

Issue No.	No. and Date	Issued by	Subject
201.	S.O. 1981, dated 30th May, 1970.	Ministry of Industrial Development Internal Trade and Company Affairs	Appointment the first day of June, 1970, as the date on which the provisions of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) shall come into force.
	का० आ० 1981, दिनांक 30 मई, 1970।	नरेत्र	जून, 1970 के प्रथम दिन को उस तारीख के रूप में नियत करना जिस तारीख को एकाधिकार तथा निवन्धकारी व्यापार प्रथा अधिनियम, 1969 (1969 का 54) के उपबन्ध प्रवृत्त होगा।
202.	S.O. 1982, dated 30th May, 1970.	Election Commission of India.	Amendment in notification No 56/69-II (S.O. 89) dated 4th January, 1969.
	एम० आ० 1982, दिनांक भारत निर्वाचन आयोग 30 मई, 1970।		अधिसूचना सं० 56/69-II (का० आ० 89), दिनांक 4 जनवरी, 1969 में संशोधन करना।

ऊपर लिखे ग्रासाधारण राजपत्रों को प्रतियो प्रकाशन प्रबन्धक, सिविल लाइसेंस, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—संख्या 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ कोष प्रशासन को छोड़कर) केंद्रीय प्राधिकारों द्वारा जारी फैले गये विविध ग्राहकों प्रति प्रधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

New Delhi, the 11th June 1970

S.O. 2205.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950, the Election Commission, in consultation with the Administration of Goa, Daman and Diu, hereby nominates Shri Om Prakash Garg, Law Secretary, Government of Goa, Daman and Diu, as the Chief Electoral Officer for the Union Territory of Goa, Daman and Diu with effect from the afternoon of the 2nd June, 1970 vice Shri T. Kipgen.

[No. 154/22/70.]

By Order,

K. S. RAJAGOPALAN, Secy.

भारत निर्वाचन आयोग

नई दिल्ली, 11 जून, 1970

एस० ओ० 2205—जोक प्रतिनिधित्व अधिनियम, 1950 की धारा 13-क की उपधारा

(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग, गोवा, दमग और दीव प्रशासन के पनामर्ज से, श्री टी० किपगेन के स्थान पर गोवा दमग और दीव सरकार के विधि सचिव श्री ओम प्रकाश गर्ग को 2 जून, 1970 के अवगत्ता से गोवा दमग और दीव संबंध राज्य क्षेत्र के लिये मुख्य निर्वाचन अफिसर के रूप में एतद्वारा नामनिर्देशित करता है।

[मं० 154/22/70]

आदेश से,

के० एस० राजगोपालन,
सचिव, भारत निर्वाचन आयोग।

New Delhi, the 16th June 1970

S.O. 2206.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order, pronounced on the 24th November, 1969, by the High Court of judicature at Allahabad in Election Petition No. 33 of 1969.

**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
CIVIL SIDE**

ORIGINAL JURISDICTION

Dated Allahabad, the 24th November, 1969

PRESENT:

The Hon'ble W. Brome—Judge

ELECTION PETITION NO. 33 OF 1969

Sri K. N. Singh—Petitioner.

Versus

Sri S. P. Misra—Respondent.

BY THE COURT

This election petition filed by the defeated candidate Kailash Nath Singh challenges the election of Sripat Misra respondent to the Lok Sabha from the Sultanpur Parliamentary Constituency bye-election held on 18th May, 1969. A recriminatory petition has been filed by the respondent. On the pleadings of the parties the following issues were framed:—

- (1) Whether the respondent is guilty of the following corrupt practices:—
 - (a) threatening of voters to induce them to vote for him and refraining from voting for the petitioner;
 - (b) appealing to the voters on communal grounds;
 - (c) promoting enmity between different classes of citizens on grounds of religion and caste for the furtherance of his prospects in the election;
 - (d) publication of statements of facts known to be false in relation to the personal character and conduct of the petitioner; and
 - (e) hiring, procuring and using vehicles for free conveyance of electors to and from the polling stations.

(2) Whether the ballot papers specified in schedules VI(A), VI(B) and VI(C) to the petition were wrongly counted for the respondent instead of for the petitioner.

(4) Whether the ballot papers specified in schedules VIII(A), VIII(B), VIII(C-1) VIII(C-2) and VIII(D) were wrongly counted for the respondent instead of being rejected.

(4) Whether the ballot papers specified in schedules VIII(A), VIII(B), VIII(C-1), VIII(C-2) and VIII(D) were wrongly counted for the respondent instead of being rejected.

(5) Whether the petitioner is guilty of the following corrupt practices:—

(a) hiring, procuring and using vehicles for the free conveyance of the electors to and from the polling stations; and

(b) appealing to electors on communal grounds.

(6) Whether the ballot papers specified in schedule 'A' to the recrimination have been wrongly counted in favour of the petitioner instead of the respondent.

(7) Whether the ballot papers specified in schedule 'B' to the recrimination have been wrongly counted in favour of the petitioner instead of being rejected.

(8) Whether the ballot papers specified in schedule 'C' to the recrimination and schedule 'D' to the additional written statement have been wrongly rejected instead of being counted in favour of the respondent.

(9) Whether the petitioner has obtained a majority of the valid votes.

(10) To what relief is the petitioner entitled?

Issue No. 2.—Schedules VI-A, VI-B and VI-C to the petition set forth those ballot papers which according to the petitioner should have been counted for him but were wrongly allotted to the respondent. Eliminating those items which are either not traceable or not pressed by learned counsel for the petitioner, we are left with 89 ballot papers to consider under this head.

The following 78 ballot papers enumerated in schedule VI-A are clear votes for the petitioner, each of them bearing an unambiguous seal impression against his symbol and no impression at all against the symbol of the respondents:—

125723, 125712, 125721, 125753, 131011, 177516, 177598, 214683, 214872, 14381
 41193, 41432, 66203, 104895, 116461, 242446, 242212, 242168, 242166, 246022
 249669, 265997, 277085, 297001, 309843, 310506, 313425, 315338, 315659, 31559
 315723, 316379, 316354, 320159, 330155, 332440, 332, 611, 345932, 345884, 345888
 351741, 376611, 376675, 399279, 406265, 411438, 411528, 411310, 415304, 415311
 440851, 460378, 462274, 463212, 463200, 463227, 485220, 491929, 492740, 494579
 494601, 495749, 498277, 500059, 501794, 503594, 532153, 532251, 537519, 540943,
 546181, 546087, 567552, 562476, 569783, 571722, 307822, 345930.

The remaining three ballot papers in Schedule VI-A (268891, 314197, 353968), must also go to the petitioner as they bear clear primary seal impressions against his symbol and only secondary impressions or smudges (caused by folding the paper while the ink was still wet) against the respondent symbol.

The three ballot papers (Nos. 298809, 423083 and 496684) in schedule VI-B are also clear votes for the petitioner, since in each of these the seal impression, though falling mainly on the dotted strip between the symbols of the two candidates, projects beyond the strip into the area allotted to the petitioner's symbol, thereby indicating the intention of the voter to record a vote in his favour.

In schedule VI-C, ballot paper 436186 can be claimed by the petitioner, since it bears a partial seal impression in the area allotted to his symbol with only an indeterminate smudge (which cannot be interpreted as a separate seal impression) on the symbol of the respondent; and ballot paper 441773 is likewise a vote for the petitioner, since it bears the primary seal impression against his symbol and only a secondary impression, caused by folding the paper while the ink was still wet, against the symbol of the respondent.

The remaining three ballot papers, however, are invalid and can be claimed by neither party. Ballot paper 242319 (mentioned in schedule VI-A) and No. 443349 (in schedule VI-C) bear no mark that can reasonably be said to have been made with the official seal; and ballot paper No. 433877 (in schedule VI-C) is

invalid for multiple voting, since it bears separate seal impressions against the symbols of both candidates.

The result of this scrutiny is that 89 votes have to be deducted from the total of the respondent and 86 votes have to be added to the petitioner's.

Issue No. 6.—This issue relates to ballot appears alleged by the respondent to have been wrongly counted in favour of the petitioner instead of in his favour, as set forth in schedule A to the recrimination. Sixty six ballot papers have to be considered under this head, after those which are untraceable have been eliminated.

The following 51 ballot papers are clear votes for the respondent, since they bear unambiguous seal impressions against his symbol, with no impression at all against the symbol of the petitioner:—

46987, 52193, 105733, 125702, 125698, 137896, 150698, 167650, 192912, 205338, 205344, 222372, 222375, 223980, 238372, 255107, 268885, 285083, 295299, 310685, 328284, 335221, 339510, 361350, 376590, 381982, 381925, 385476, 389312, 394609, 403608, 415144, 416697, 416825, 416808, 416702, 420250, 432520, 432565, 434210, 434212, 438272, 460418, 462184, 468773, 482693, 517303, 533812, 546089, 574520, 387197.

The following 7 ballot papers can also be claimed by the respondent as they show clear primary seal impressions against his symbol and only secondary impressions or smudges (caused by folding the paper while the ink was still wet) against the petitioner's symbol:—

86950, 301568, 311446, 374591, 405246, 454285, 488320.

Four more ballot papers (Nos. 95658, 255127, 302439 and 341210) are also clear votes case for the respondent, as the seal impression, though falling mainly on the dotted strip between the two candidate's symbols, projects into the area allotted to the respondent's symbol, thereby indicating the intention of the voter to vote in his favour.

The remaining four ballot papers, however, are invalid and cannot be claimed by either party. Ballot papers 191766 and 332725 are invalid for multiple voting, since they bear separate seal impressions against the symbols of both candidates; and ballot papers 95660 and 257177 have to be rejected for uncertainty, since the seal impressions falling on the dotted strip project on both sides into the areas allotted to both candidates' symbols, making it doubtful which candidate the voter intended to vote for.

Under this issue, therefore, 66 votes have to be deducted from the petitioner's total, while 62 have to be added to the respondents.

Issue No. 4.—The petitioner has set forth in Schedules VIII(A), VIII(B), VIII(C-1), VIII-2 and VIII(D), attached to this petition, the ballot papers counted in favour of the respondent, which according to him ought to have been rejected. Leaving out those items which are either not traceable or have not been pressed by learned counscl for the petitioner, we have 208 ballot papers to consider under this head.

Five of these ballot papers (Nos. 1810, 191815, 247672, 426211 and 567116) are valid votes for the respondent since they bear seal impressions against his symbol, which, though incomplete, faint or smudged, are nevertheless recognisable. Three ballot papers (Nos. 30902, 269005 and 283063) are also valid votes in his favour because each of them shows a clear primary seal impression against his symbol, with only secondary impression, caused, by folding the paper while the ink was still wet, against the symbol of the other candidate; and similarly the following 12 ballot papers were rightly counted for the respondent because they have clear seal impressions against his symbol and only indeterminage smudges, which cannot be interpreted as independent seal impressions, against the other candidate's symbol:—

180320, 338512, 362266, 363265, 489112, 489879, 566492, 204452, 565206, 242124, 234286, 510231.

Four more ballot papers (Nos. 52251, 188395, 352001 and 354185) can also be claimed by the respondent, since the seal impressions appearing thereon, though mainly in the dotted strip separating his symbol from that of the petitioner, project into the area reserved for his symbol, thereby revealing the intention of the voters concerned to vote for him. Learned counsel for the petitioner has argued that two of these (Nos. 352001 and 354185) are invalid for multiple voting, because each of them bears, besides, the seal impression projecting into the respondent's

area on the front of the ballot paper, an additional seal impression on the back of the paper affixed in the space corresponding to the area allotted to the petitioner's symbol on the front. But I am not prepared to accept these seal impressions on the back of the ballot paper as valid marks, since they have not been made in accordance with rule 39(1)(b) of the Conduct of Election Rules, which requires the elector to "make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote." The symbol is printed on the front of the paper; and a seal impression affixed to the back of the paper cannot be said to have been affixed "on or near the symbol." The seal impressions on the back of the ballot papers 352001 and 354185, therefore, have to be ignored.

Two of the ballot papers that have been counted in favour of the respondent are actually clear votes in favour of the petitioner. These are No. 30910, which shows a clear seal impression against the petitioner's symbol with no mark at all against the symbol of the respondent; and 1795, which has a primary seal impression against the petitioner's symbol and only a secondary impression, caused by folding the paper while the ink was still wet, on the respondent's symbol.

The following 62 ballot papers are obviously invalid for multiple voting and should not have been counted in favour of the respondent. They show not only a seal impression against the respondent's symbol but also another independent seal impression which falls either wholly or partially inside the area allotted to the symbol of the petitioner:—

9321, 18441, 30944, 74577, 96357, 110421, 110433, 161634, 176798, 176565, 189320, 195369, 238495, 254149, 266969, 306045, 315496, 322198, 332468, 338478, 342259, 354411, 365749, 389942, 391577, 392469, 400162, 414146, 449251, 449178, 449848, 457465, 458420, 461242, 462140, 463253, 470852, 471735, 472726, 476014, 488371, 489017, 489060, 492747, 492714, 494373, 500108, 500217, 501895, 518929, 524262, 543470, 560043, 561484, 563700, 566395, 567121, 568004, 569827, 572528, 572607, 279354.

One ballot paper (No. 303509) must be rejected because it is not possible to be sure which candidate the voter wished to vote for, since the seal impression lies entirely within the dotted strip separating two symbols. And the following 23 ballot papers must also be rejected for uncertainty, since the seal impressions appearing thereon project on both sides of the dotted strip into the areas allotted to the symbols of both candidates (or would project if the impressions were complete).—

88615, 489877, 528647, 566305, 66283, 112918, 133687, 139643, 182396, 194433, 238414, 271899, 332270, 341331, 347942, 383557, 385249, 421036, 424335, 438121, 450742, 451498, 490922, 500160, 539997, 550043, 568708, 242201.

The following 75 ballot papers cannot be accepted as valid votes for the respondent because they bear no mark that can reasonably be said to have been made with the instrument supplied for the purpose of marking the instrument supplied for the purpose of marking the vote (a rubber seal showing across within a circle):

131026, 161596, 322132, 330004, 92205, 117517, 183190, 242420, 245974, 307907, 315651, 440680, 568001, 56914, 567960, 14317, 21270, 28348, 45430, 45134, 65224, 65225, 81385, 84035, 83979, 84020, 94562, 107590, 119595, 119597, 180392, 184105, 192805, 243031, 268088, 268056, 275011, 274976, 274929, 329226, 329253, 344962, 347066, 354303, 359774, 359791, 363187, 365723, 372562, 372631, 385255, 388078, 399236, 415158, 415849, 423092, 430568, 440658, 440832, 453080, 453171, 455329, 455327, 458325, 491792, 501936, 509443, 525965, 541865, 541851, 565540, 565419, 573565, 242239, 334480.

There remain to be considered 16 ballot papers which bear seal impressions only on the back of the paper, not on the front. Two of these (Nos. 283358 and 5571189) have the seal impression on the upper half of the paper, i.e. in the part corresponding to the area allotted to the petitioner's symbol on the front of the paper; while in the case of the following 14 ballot papers the seal impression has been affixed to the lower half of the back of the paper, corresponding to the area on the front which is allotted to the respondent:—

292180, 304439, 412437, 16362, 37766, 41370, 77410, 216378, 332123, 475995, 503669, 546128, 557255, 565427.

None of these ballot papers marked on the back, however, can in my opinion be counted as a valid vote in favour of either party, since the voter has not applied the seal "on or near the symbol of the candidate for whom he intends to vote", as required by rule 39(1)(b). It is obvious more over that considerable doubt and

uncertainty must arise with regard to the actual intention of a voter who marks his ballot paper on the back, particularly when (as in the majority of cases here) the paper is opaque enough to prevent the candidate's symbols from showing through on the back.

The result of this issue therefore is that 184 votes have to be deducted from the respondent's total; and 2 of these have to be added to the petitioner's total.

Issue No. 7.—Schedule B to the recrimination enumerates those ballot papers which according to the respondent ought to have been rejected, but were wrongly counted in favour of the petitioner. Leaving out untraceable items and those which are not pressed, we have 208 ballot papers to consider under this issue.

The following 12 ballot papers are valid votes for the petitioner, as they bear seal impressions against his symbol which are discernible, even though incomplete, faint or smudged:—

72759, 89738, 141687, 335101, 411533, 416887, 146782, 420231, 490903, 491742,
498216, 548690.

Four ballot papers (Nos. 34964, 332493, 334451 and 362073) are also valid votes for the petitioner because they have clear seal impressions, against his symbol, with only secondary impressions caused by folding the paper while the ink was still wet, against the symbol of the other candidate. In the last 3 of these the paper seems to have been folded twice, producing a double secondary image. Similarly, four more ballot papers (Nos. 176729, 182309, 344939 and 382748) were rightly counted for the petitioner because they have clear seal impressions against his symbol and only indeterminate smudges, which cannot be interpreted as independent seal impressions, against the respondent's symbol.

Ballot papers 219670 and 332275 were rightly counted in favour of the petitioner because the seal impressions appearing thereon, though mainly on the dotted strip separating the symbols of the two candidates, project into the space allotted to the petitioner's symbol. And 2 more ballot papers (Nos. 59684 and 141795) show similar projections of the seal into the space allotted to the petitioner's symbol, with only a smudge, which is no part of a seal impression, in the space allotted to the respondent's symbol. In all 4 of these instances the intention of the voter to vote in favour of the petitioner can safely be inferred.

One ballot paper counted in favour of the petitioner is actually a clear vote for the respondent. This is No. 16391 which shows a clear seal impression on the symbol of the respondent, with no mark at all against the petitioner's symbol.

The following 47 ballot papers are invalid for multiple voting and should not have been counted in favour of the petitioner. They show not only a seal impression against the petitioner's symbol but also another independent seal impression falling either wholly or partially inside the area allotted to the symbol of the respondent:—

14255, 98253, 163457, 165367, 176587, 193615, 201831, 233893, 243180, 257193,
279453, 310748, 312352, 315513, 323859, 332081, 332657, 335086, 335079, 339491,
356936, 365834, 385458, 413317, 420337, 432588, 445698, 461265, 470753, 472699,
476220, 478611, 481706, 486632, 490762, 496520, 497485, 500299, 50477, 518377
546245, 548607, 550931, 557193, 560008, 567964, 376769.

Three ballot papers (Nos. 30905, 30912 and 107587) have to be rejected because it is impossible to determine which candidate the voter intended to vote for. Each of them shows 2 seal impressions, one against the petitioner's symbol and the other against the respondent's and it is obvious in each case that only one of the impressions could have been made by applying the seal, the other being merely a secondary impression caused by folding the paper while the ink was wet; but unfortunately it is impossible to say which impression in each pair is the primary impression and which is the secondary, since both are equally well defined and clear.

Ballot paper No. 563523 has also to be rejected for uncertainty, as the seal impression lies entirely within the dotted strip separating the symbols of the two candidates. And ballot paper No. 362476 has likewise to be rejected because it too has a seal impression inside the dotted strip which may have been meant as a vote for the respondent, in addition to the another seal impression that lies

within the area allotted to the petitioner's symbol. Further the following 41 ballot papers have to be rejected for uncertainty, since the seal impressions appearing thereon project on both sides of the dotted strip (or would project if the impressions were complete):—

16319, 56673, 121596, 169765, 174642, 185016, 187449, 188382, 190077, 204424, 210773, 230720, 232384, 243150, 288470, 308819, 318126, 332372, 332613, 335125, 374598, 389972, 399171, 399342, 402642, 415299, 418757, 417641, 420205, 420352, 421013, 438431, 446594, 449080, 485885, 501942, 518188, 518107, 520894, 540138, 554593.

The following 74 ballot papers cannot be claimed as valid votes for the petitioner because they bear no mark that might reasonably be said to have been made with the instrument supplied for the purpose of recording the vote:—

10997, 181104, 18251, 31116, 43435, 79646, 79666, 79667, 126610, 141679, 141754, 142996, 142857, 142857, 147856, 177623, 161643, 193559, 193507, 193488, 193497, 242307, 260130, 268042, 268148, 268135, 258068, 278115, 2749208, 290189, 299690, 304161, 309671, 309985, 310668, 329159, 332175, 332682, 334401, 334487, 334236, 334332, 335168, 338633, 343201, 354080, 353947, 358074, 359674, 359716, 359787, 359603, 360696, 381941, 399261, 399290, 4000070, 439983, 443531, 455323, 464082, 476015, 500992, 509437, 518399, 547844, 561680, 562443, 665477, 565332, 567906, 570713, 574636, 503666.

Finally, there are 16 ballot papers which bear seal impressions only on the back of the paper, not on the front. Five of these (Nos. 26384, 150679, 335165, 382852 and 481924) have seal impressions on the lower half of the paper, i.e. in the part corresponding to the area allotted to the respondent's symbol on the front; while the following 11 have seal impressions in the upper half of the back, corresponding to the petitioner's area on the front of the paper:—

52226, 322721, 334177, 375559, 379401, 107434, 432573, 432559, 478778, 499977, 490987.

As already pointed out by me, when discussing the earlier issues, these seal impressions on the back of the ballot papers cannot be counted in favour of either party, since they have not been made in conformity with rule 39(1) (b) and also involve some considerable doubt as to the voters' real intention.

Under this issue, therefore, 184 votes have to be deducted from the total awarded to the petitioner; and one of these is to be added to the respondent's total.

Issue No. 3.—This issue relates to rejected ballot papers which are claimed by the petitioner to be valid votes in his favour. These have been set forth in schedules VII(A), VII(B), VII(C) and VII(D) to the petition; and after eliminating items which are either untraceable or not pressed by learned counsel for the petitioner, we are left with 719 ballot papers to consider under this head.

The following 17 ballot papers can undoubtedly be claimed by the petitioner, since each of them bears a seal mark against his symbol, which, though faint, incomplete or smudged, is nevertheless discernible:—

177586, 166584, 147910, 346856, 322034, 309388, 372570, 563879, 533862, 501943, 400824, 381115, 376756, 334323, 321360, 592816, 328447.

Similarly, the petitioner can claim the following 69 ballot papers, which bear a clear primary seal impression against his symbol and only a secondary impression, caused by folding the paper while the ink was wet, against symbol of the other candidate:—

184091, 561618, 559930, 18244, 460355, 399214, 35904, 569024, 560792, 137733, 141698, 143876, 144828, 172123, 171717, 177551, 177581, 177521, 189178, 213821, 248708, 249728, 253204, 253143, 261636, 26166, 261665, 267966, 269988, 269976, 273880, 293566, 293582, 293581, 293593, 296149, 296242, 308636, 309685, 309924, 309669, 309684, 328331, 328302, 328353, 379277, 319347, 319328, 330669, 330099, 330682, 330093, 344551, 344536, 344158, 361118, 515551, 381985, 432669, 432526, 432620, 432527, 422581, 44615, 442613, 442619, 497384, 497450, 329348.

Ballot paper 493720 is a clear and unambiguous vote for the petitioner, since it bears a clear seal mark against his symbol, with no mark at all against the symbol of the respondent. And the following 19 ballot papers are also valid votes for the petitioner, since the seal impressions appearing thereon, though lying mainly in the dotted strip separating the symbols of the two candidates, project into the

area allotted to the petitioner's symbol, thereby indicating the intention of the voter to record a vote in his favour:—

165498, 100133, 77892, 52367, 230052, 183225, 167598, 151504, 330033, 320179, 279431,
561711, 437164, 426282, 420106, 473153, 471511, 471337, 388075.

Five ballot papers (Nos. 144832, 143894, 256095, 392596 and 499309), however, appear to have been rightly rejected, since they bear no recognisable seal impression. Ballot paper 488295 was also rightly rejected, as it bears separate independent seal impressions against the symbols of both candidates. And the following 8 ballot papers are invalid because the seal impressions thereon project on both sides of the dotted strip into the areas allotted to the symbols of both candidates:—

20181, 21, 201098, 137768, 293698, 569012, 426330, 389591.

Ballot paper 330107 is an instance of a primary seal impression, accompanied by a secondary impression, produced by folding the paper when the ink was wet; but as both the impression are equally clear and distinct, it is impossible to say which is the primary impressions and which the secondary. This ballot paper, therefore, has to be rejected for uncertainty.

Finally we have 593 ballot papers, which bear a seal impression only on the back of the paper, not on the front. Two of these, 141686 and 178525, would in any case be invalid since the seal impressions appearing on them are not confined to the upper or lower half of the back of the paper but extend into both halves, i.e. into the portions corresponding to the areas allotted to the symbols of both candidates on the front of the paper. The following 9 ballot papers have seal impressions on the back falling in the lower half of the paper, i.e. in the part corresponding to the area reserved for the respondent's symbol on the front of the paper:—

450613, 421094, 874, 285113, 345104, 443425, 453333, 497306, 513744.

The remaining 587 ballot papers, which are as follows, have seal impressions on the back in the upper portion, corresponding to the area allotted to the petitioner's symbol on the front of the paper:—

3896, 4782, 11836, 11849, 13536, 16346, 23142, 24206, 26430, 26352, 28295, 30985,
36783, 37721, 37712, 39571, 43382, 44365, 45385, 46992, 47946, 52405, 52291, 52233,
52380, 52355, 52281, 54417, 56668, 56771, 56593, 5675, 56621, 56647, 56857,
65232, 65163, 65104, 72915, 73755, 73858, 74564, 78470, 84087, 84933, 84962,
87880, 88658, 88645, 91280, 92998, 93806, 94612, 98301, 105724, 108603,
109494, 110376, 112939, 112992, 115358, 116442, 116399, 119616, 121556, 123009,
126762, 126630, 126602, 126626, 126656, 128185, 128259, 128206, 128180,
131060, 132034, 131886, 135029, 135069, 135755, 141728, 141880, 142870, 142956,
142941, 142779, 144822, 146829, 146925, 148124, 148179, 148160, 148749, 150684,
150680, 141537, 152530, 152574, 152492, 156047, 166523, 166559, 167666, 168650,
176868, 169711, 169719, 169655, 170540, 172138, 173927, 175651, 175567, 175760,
175715, 175501, 176616, 176609, 177500, 178572, 178596, 178618, 178615, 180300,
182354, 183145, 190847, 192711, 192855, 193521, 193560, 193613, 195355, 197982,
198003, 198031, 199922, 201793, 202610, 204357, 205379, 205444,
205359, 205398, 206211, 206209, 210032, 210831, 212809, 212832, 215212,
217754, 218871, 218949, 219665, 219667, 220629, 230774, 220729, 220633, 223258,
225011, 225002, 230001, 22990, 232335, 232381, 222399, 23265 233266, 233920,
234025, 236462, 238338, 240168, 242344, 242370, 242202, 244023, 245925, 249666,
249667, 249734, 253231, 254072, 254166, 254196, 254091, 255178, 256066,
257048, 261030, 260982, 262928, 264043, 264051, 263957, 265026, 267983,
268147, 268037, 270871, 272946, 272913, 272802, 275024, 274978, 274967, 276991,
278479, 278308, 278206, 278164, 278125, 278084, 278171, 278333, 278135, 280373,
280289, 280304, 285149, 288401, 289215, 290170, 293689, 297214, 298865, 299685,
301531, 301782, 302472, 302557, 306857, 306968, 306823, 307867, 307667, 307670,
307879, 307890, 308609, 309981, 309893, 309659, 305750, 309902, 321345, 312373,
315309, 316325, 316524, 318703, 319751, 320128, 320155, 322148, 322201, 323046,
323983, 323896, 325739, 316261, 329184, 329186, 339035, 330088, 330136, 330155,
330050, 330137, 330856, 332535, 332381, 332447, 332511, 332713, 332498, 332596,
334317, 335121, 335935, 335924, 337607, 338542, 338539, 339557, 343158, 344129,
345152, 346982, 350040, 349960, 355755, 356866, 357978, 357965, 357730, 357728,
357945, 357709, 357771, 360569, 360887, 361326, 361341, 361296, 361360, 362360,
362425, 362382, 363260, 363228, 363227, 364201, 364414, 365505, 370655, 375528,
374688, 374649, 374637, 374538, 374555, 375536, 376584, 376638, 376668, 379597,
382644, 382718, 385257, 375287, 386200, 386180, 386116, 386211, 387135, 387179,
388281, 389170, 389289, 389216, 390775, 390846, 390848, 390776, 391599, 391618,
392447, 393421, 394539, 395424, 400022, 401670, 401763, 407382, 407461, 408425,

408375, 409397, 411545, 411547, 311544, 411432, 411539, 411506, 411488, 412426, 413195, 413240, 413293, 413209, 413219, 415155, 415316, 415141, 415169, 418406, 420134, 421158, 421024, 424166, 424434, 424177, 426202, 426263, 427191, 427170, 427341, 428192, 432598, 436247, 438345, 438373, 438324, 439024, 428975, 440676, 441874, 441728, 445507, 445653, 445557, 445616, 445634, 446646, 447609, 447636, 448435, 449206, 449290, 449974, 450660, 450662, 452294, 455341, 457360, 457343, 45401, 460429, 460379, 462220, 462130, 462073, 462321, 462223, 462050, 463065, 463132, 467099, 470733, 472649, 473602, 474437, 474397, 475276, 476875, 477730, 478769, 478830, 479319, 480036, 480039, 481960, 481892, 482632, 483494, 485105, 485975, 485872, 485892, 486732, 486747, 488024, 489780, 490730, 490828, 491770, 491802, 492901, 492837, 492812, 494466, 49539, 494527, 495778, 495388, 496607, 496503, 496545, 496500, 496575, 496564, 496531, 499325, 4992200, 501047, 501016, 501952, 501954, 50721, 507459, 510199, 511072, 511081, 511084, 511888, 512951, 513833, 515758, 515715, 515716, 516503, 517357, 518161, 518268, 519868, 520885, 521880, 525099, 526034, 530798, 530347, 530328, 531117, 531119, 531140, 531143, 541150, 532080, 532081, 532094, 534718, 537682, 539262, 540185, 540175, 541759, 541835, 542690, 542754, 543225, 545280, 547149, 547039, 547115, 547977, 547982, 547940, 548582, 548753, 550030, 550065, 554686, 557206, 558982, 560759, 605710, 561536, 561595, 561605, 562688, 563829, 563738, 564476, 464366, 565370, 565293, 565573, 565508, 565578, 5653459, 565437, 565454, 566460, 566324, 566486, 566350, 568894, 569084, 570680, 570820, 572455, 572509, 573489, 573449, 574631, 575387, 576385, 576389, 576378, 576435, 576463, 576392, 578513, 578447, 578457, 578403, 328424, 332503, 323993, 421987, 292844.

But as I have already held when discussing the previous issues, none of these seal impressions on the back of the ballot papers can be counted as valid votes in favour of either party. The intention of a voter who impresses the seal on the back of the paper, where the symbols of the candidates are either not visible at all or only faintly visible, is difficult to assess; and in any case seal impressions on the back are not in conformity with rule 39(1) (b), which lays down the manner in which the vote is to be recorded.

The result of this issue, therefore, is that only 106 votes are to be added to the petitioner's total.

Issue No. 8.—Schedules C and D, annexed to the recrimination, enumerate rejected ballot papers which are claimed by the respondent as valid votes in his favour. After those items have been eliminated which are untraceable or not pressed, we are left under this issue with 555 ballot papers to consider.

The following 14 ballot papers should undoubtedly have been allotted to the respondent, since they bear seal marks against his symbol, though faint or incomplete, are discernible:—

125755, 178462, 182066, 229947, 233270, 233272, 277040, 313308, 344030, 370717, 420126, 478847, 538214, 540087.

The respondent can also claim the following 44 ballot papers, which bear a clear primary seal impression against his symbol and only a secondary impression caused by folding the paper while the ink was wet, against the symbols of the other candidate:—

213823, 213717, 233197, 247800, 274989, 293553, 293674, 293676, 284406, 346994, 372529, 382737, 419240, 419328, 436070, 442560, 442558, 442488, 453084, 483473, 483519, 483537, 483477, 483386, 483474, 483528, 483605, 483537, 483568, 485132, 488283, 488272, 494488, 494472, 465399, 566403, 568882, 568994, 568928, 568954, 568883, 569006, 568884, 568962.

Similarly, ballot papers 268988, 548684 and 568979 are valid votes for the respondent, since they bear seal impressions against his symbol, with only an indeterminate smudge, which cannot be taken as an independent seal impression against the symbol of the petitioner.

Ballot paper 483560 is a clear vote for the respondent, since it bears a seal mark against his symbol with no mark at all against the petitioner's symbol. And ballot paper 502675, is also a vote in his favour, for although the seal impression falls on the black strip below his symbol, the intention of the voter to vote for him can safely be inferred, since there is no other candidate's symbol below the black strip.

The following 33 ballot papers can also be claimed by the respondent, because seal impressions appearing thereon, though lying mainly in the dotted strip

separating the symbols of the two candidates, project (or would project if the impressions were complete) into the area allotted to the respondent's symbol, thereby indicating the intention of the voter to record a vote in his favour.

74730, 137804, 142086, 142005, 142882, 152589, 188397, 262948, 268987, 293571, 296210, 299037, 301631, 301735, 305262, 335217, 366333, 379572, 381970, 400129, 400121, 400135, 406259, 411469, 426339, 442552, 456395, 568846, 469777, 473541, 615763, 568994, 569022.

Ballot papers 394484 and 364352, however appear to have been rightly rejected. The former bears no mark that can reasonably be said to have been made with the official seal; while in the case of the latter the seal impression lies entirely inside the dotted strip separating the two candidate's symbols, making it doubtful which of the two the voter intended to vote for.

Finally, we have 457 ballot papers, which bear a seal impression only on the back of the paper, not on the front. Two of these, 563878 and 565504, would in any case be invalid, since the seal impressions appearing on them extend into both the upper and the lower halves of the back of the paper, i.e. into the portions corresponding to the areas allotted to both candidates' symbols on the front of the paper. One ballot paper No. 332091 has a seal impression which falls in the upper half of the paper i.e. in the part corresponding to the area reserved for the petitioner's symbol on the front. And the remaining 454 ballot papers, which are as follows, have seal impressions on the back in the lower portion corresponding to the area allotted to the respondent's symbol on the front of the paper:—

4845, 12691, 14292, 20273, 21258, 42419, 42423, 52328, 52276, 52290, 56672, 56650, 65252, 65273, 74777, 82137, 83966, 84992, 84972, 85089, 88625, 92276, 92875, 94634, 98287, 103750, 103740, 105835, 106756, 107637, 107594, 107610, 108477, 109199, 112034, 112991, 115367, 118576, 124114, 137790, 135074, 135744, 141916, 141804, 141878, 145820, 146978, 149810, 149823, 149821, 149774, 150692, 150690 163391, 163371, 165143, 165520, 165547, 166470, 169676, 175624, 175762, 176601, 176683, 176603, 176634, 176794, 190248, 180278, 182375, 183164, 184907, 184918, 185098, 188278, 189395, 189184, 190977, 190700, 191787, 191786, 192689, 192866, 193575, 193537, 193360, 195282, 195924, 201190, 201158, 201785, 204431, 206295, 208165, 208172, 217218, 218799, 221495, 222392, 225006, 229969, 232329, 232376, 23318, 234713, 238463, 240889, 240185, 241101, 241095 242175, 242360, 242355, 24078, 242278, 244071, 247660, 248580, 259674, 252249 254079, 254163, 257255, 261010, 261429, 269055, 269973, 269186, 272892, 272881, 274816, 278403, 278374, 278771, 278178, 280432, 280278, 280418, 280194, 283160 285959, 289249, 292161, 292173, 297130, 297025, 298029, 298789, 299627, 301797 301689, 302602, 302490, 304192, 304362, 30576, 306972, 306865, 307821, 307827, 308576, 309706, 309586, 309565, 312205, 213210, 213318, 374336, 351474 315363, 322123, 323010, 324001, 323962, 328350, 329357, 330126, 330080, 322391, 332660, 333518, 333448, 334179, 334179, 334477, 33531, 335089, 335974, 338558, 338606, 339538, 340280, 242188, 342141, 342335, 342370, 343356, 344130, 346865 347044, 349965, 349937, 35296, 355281, 355184, 356834, 356987, 356988, 357041, 357761, 359773, 360715, 361325, 362272, 362386, 362356, 362175, 363211, 368926, 368933, 368906, 368879, 372507, 373557, 375549, 375551, 375729, 376708, 376631 376625, 376626, 376695, 377704, 379501, 379531, 382010, 381020, 382012, 382781 382767, 382672, 382649, 386475, 382829, 384538, 384515, 382649, 387105, 387182, 289052, 288252, 389181, 384338, 384515, 384310, 385267, 385240, 387111, 387182, 289052, 288252, 389181, 389996, 389887, 390042, 390805, 398287, 400057, 403540, 407160, 407163, 407480, 407316, 408478, 410477, 411512, 411491, 411521, 411493, 411495, 412377, 412293 413261, 413314, 415167, 415116, 415142, 418606, 418603, 418563, 418497, 420143 424177, 424094, 424102, 424083, 428146, 419539, 431459, 432541, 439010, 439752 439748, 440740, 441813, 445528, 445530, 445602, 445508, 445744, 445787, 445826, 446684, 446715, 446641, 446645, 446593, 448385, 450630, 450695, 450702, 452295, 453718, 456303, 456389, 457209, 357149, 457335, 457461, 460417, 460417, 462219 462277, 462175, 162246, 162206, 183109, 462300, 473566, 475289, 478665, 480750 481961, 481730, 481699, 482045, 481021, 481262, 483608, 485955, 485593, 488197 488309, 489879, 491015, 490707, 491725, 529850, 492591, 492645, 492797, 492771, 494555, 496576, 496572, 496439, 496505, 496375, 496448, 496307, 496271, 497665 497376, 498409, 499180, 500473, 501854, 501845, 501929, 503684, 505394, 505596, 506479, 509303, 509211, 509369, 509306, 509338, 513725, 514793, 518152, 511772, 521885, 525999, 526041, 526036, 527764, 527690, 53065, 531125, 531144, 532144, 534738, 537539, 537649, 538231, 538278, 540110, 541919, 543459, 544139, 544315, 444374, 545312, 547902, 550062, 557207, 557177, 559051, 560779, 560773, 561504, 562572, 53476, 563833, 564474, 564399, 564320, 565480, 565331, 565558, 565563, 565544, 565335, 565356, 565462, 565452, 654403, 565327, 565358, 565298, 566499, 567312, 562465, 573516, 57415, 576315, 576325, 578452, 578448, 578456, 578419, 578402, 578435, 578434, 1755 189303, 271881, 329327, 336843, 350985.

But for the reasons already disclosed in my discussion of the previous issues, I am not prepared to count any of these seal impressions on the back of the ballot papers as valid votes in favour of either party.

The result of this issue, herefore, is that only 96 votes are to be added to the respondent's total.

Issue No. 5.—Learned counsel for the respondent has stated that this issue is not pressed and no evidence has been produced to show that the petitioner is guilty of any corrupt practice. The issue is accordingly decided in the negative.

Issue No. 1.—Learned counsel for the petitioner has stated that he does not press items (a), (b) and (e) of this issue. The only corrupt practices on the part of the respondent that remain to be considered are therefore the following items:—

- (c) promoting enmity between different classes of citizens on grounds of religion and caste for the furtherance of his prospects in the election; and
- (d) publication of statements of facts known to be false in relation to the personal character and conduct of the petitioner.

I first take up item (d), which is based on a printed Nagri leaflet (Exh. 3), said to have been distributed by the respondent and his helpers on May 16th and 17th just before the polling day (18th). This leaflet, which bears a block reproduction of the photograph of a Muslim woman and is headed "This lady demands justice from the public", recites how a certain Sharifan of Pratapgarh was seduced by the respondent Kailash Nath Singh while he was working as a Doctor in the Pratapgarh Jail Hospital and later went with him to Jabalpur, where he took service in the Victoria Medical College and kept her in a house in Hanuman Tal Muhalla, passing himself off as a Muslim and pretending that she was his wife named Razia. Eventually, according to the leaflet, people became suspicious and they had to shift to Bhopal, where she went by the name of Sadhana Singh, and there she became pregnant, but he induced an abortion and brought her back to Pratapgarh; then again she became pregnant and once more he wished to procure an abortion, but she refused and eventually he got tired on her and abandoned her. All along it is said, he was making promises of marriage, but never carried them out; and it is further mentioned that in the various hospitals where he worked he had embezzled lakhs of rupees and had made money by selling hospital medicines in the market, in order to finance his dissolute life.

The leaflet Exh. 3 bears no imprint line to show where it was printed and by whom, but according to the petitioner, it was the respondent who arranged for it to be printed; and a witness Sarju Singh (P.W. 4), who runs a small private press in Pratapgarh, has been produced to state that about a week before the poll Sripat Misra, actually showed him a draft of this leaflet, together with the photograph, and asked him to print it.

In addition, evidence has been led by the petitioner to show that Exh. 3 was distributed by Sripat Misra himself and by others with his consent. Baijnath Singh (P.W. 5), Ram Jas Singh (P.W. 7), Narsingh Pal Singh (P.W. 10) and Vishwanath Kapur (P.W. 11) have deposed that they were given copies of the leaflet between 7.30 and 9 p.m. on 16th May, 1969 at Sunder Lal Park (in the town of Sultanpur) where a meeting had been called by the respondent's party (B.K.D.) to hear an address by Ch. Charan Singh. Baijnath Singh could not identify the persons who were distributing the leaflet, though he says they were Vakils; Narsingh Pal Singh and Vishwanath Kapur say they were B.K.D. workers; while Ram Jas Singh states that it was Sripat Misra in person who handed him the leaflet. Narsingh Pal Singh (P.W. 10) had further deposed that on 17th May, 1969 at 7.30 or 8 p.m. Sripat Misra came to his house (in Sultanpur) with some of his workers and one of the letter gave him another copy of Exh. 3; while Uma Datt (P.W. 12) was stated that at 10 p.m. on 17th May, 1969 a copy of the leaflet was flung into his jeep while he was going home from the Congress office, by a person who was one of a group accompanying Sripat Misra at a certain crossing in Sultanpur. And finally we have two residents of Kotiya village, Mohammad Jalil (P.W. 8) and Sher Mohammad (P.W. 9), who state that between 8 and 10 p.m. on 17th May, 1969 they were given copies of Exh. 3 by a Vakil named Mohammad Yunus (accompanied by Yasin, Binod Behari and Bismillah), who exhorted them not to vote for a candidate who could treat a Muslim girl in this fashion.

The respondent Sripat Misra has repudiated all connection with the leaflet (Exh. 3) and denies that he ever got it printed or distributed. His suggestion is that it may have been printed and distributed at the instance of certain rivals of the petitioner, who were jealous of him because he had succeeded in getting

the Congress ticket for the election, which they themselves had aspired to. Sripat Misra (R.W. 6) denies that the leaflet was given by him or by anyone else in his presence to any of the petitioner's witness; and Mohammad Yunus (R.W. 3) has come forward to make a similar denial of having given this leaflet to Jalil and Sher Mohammad.

The fact that the leaflet exh. 3 was in existence and was being circulated in Sultanpur before the date of the poll is proved beyond doubt by the testimony of the District Magistrate Surendra Mohan (P.W. 3), who states that the local intelligence staff brought it to his notice one or two days before the poll. Further it cannot be denied that this leaflet is highly defamatory of the petitioner and was calculated to prejudice the prospects of his election. The petitioner has himself come into the witness box (as P.W. 13) to deny the truth of the allegations made therein, both with regard to the alleged liaison with Sharifan and with regard to the embezzlement of hospital funds; and no serious attempt has been made by the respondent to prove that these allegations are true. It has been elicited from the petitioner in cross-examination that while he was working as a doctor in the Tej Bahadur Sapru Hospital at Allahabad he realised more than one lac of rupees from Central Government employees as fees for consultations, prescriptions and injection; but there is no proof of any dishonesty on his part in this connection and learned counsel for the respondent has frankly conceded that none of the defamatory allegations in Exh. 3 have been substantiated. In order to prove that the respondent is guilty of a corrupt practice in respect of this leaflet, however, the petitioner has to prove that it was published by him or by his agent or by any other person with his consent or with his election agent's consent, so as to come within the ambit of clause (4) of section 123 of the Representation of the People Act.

As already noted, the petitioner has produced a witness Sarju Singh (P.W. 4) to state that the respondent Sripat Misra tried to get him to print the leaflet Exh. 3 about a week before the poll. I am satisfied, however, that the testimony of this witness is wholly unworthy of credence. He was in no way intimate with Sripat Misra and had never done any printing work for him before; nor had he printed any leaflets for anyone in any of the elections 1967 and 1969. It is obvious that a candidate wishing to get a pamphlet printed, which he knows will constitute a corrupt practice that may vitiate his election, will take precautions to make sure that the person whom he approaches for this purpose can be relied upon to do whatsoever is necessary, without giving away the secret to anyone else. I find it impossible to believe that Sripat Misra could have straightway shown the draft pamphlet to Sarju Singh without first making sure that he was prepared to print an unsigned defamatory leaflet of this kind and to omit the imprint line showing where it was printed. It is further to be noted that the photograph of the woman was to be included in the leaflet, and yet Sarju Singh admittedly has no apparatus in his press for making blocks for such photographs. Sarju Singh is a person of no particular status, paying no incometax, and significantly enough belongs to the same Biradiri as the petitioner. I place no reliance on this witness and reject his testimony as totally false.

With regard to the distribution of the leaflet Exh. 3, we have first of all to consider the four witnesses who claim to have been given copies of it late in the evening on 16th May, 1969 at Sundar Lal Park. It is admitted by the respondent that a meeting had been called there by his party (B.K.D.) to hear an address by Ch. Charan Singh at 7 p.m., but it appears that the meeting was cancelled at the instance of the District Magistrate, who personally met Ch. Charan Singh at Ali Ganj at about 4 or 5 p.m. that evening and informed him that no meetings could be held after 5 p.m. on 16th May 1969, in view of the provisions of section 126 of the Representation of the People Act, which forbids all public meetings in any polling area (i.e. the area for which any polling stations has been provided) during the period of 48 hours ending with the hour fixed for the conclusion of the poll—vide the evidence of Raj Bahadur Dwivedi (R.W. 4), the Secretary of the B.K.D. Party of U.P., who was personally present when the present Magistrate met Ch. Charan Singh on that occasion. Since the meeting was cancelled at the eleventh hour, however, it is quite probable that a crowd of people had collected at Sundar Lal Park in the hope of hearing Ch. Charan Singh speak and only dispersed when they were finally convinced that he was not going to turn up. It is not at all unlikely, therefore, that whoever wished to distribute the leaflet might choose this meeting as a suitable place for doing so. But when defamatory leaflets of this kind are distributed, the distribution is normally done in a surreptitious manner though the agency of small urchins or other hirelings who are not easily identifiable; and I find it very difficult to believe that Exh. 3 was being handed out at the meeting by Vakils, as suggested by Bajj Nath Singh (P.W. 5), or by regular B.K.D. workers wearing badges, as suggested by Narsingh Pal Singh

(P.W. 10) and Vishwanath Kapur (P.W. 11) and least of all by the candidate Sripat Misra himself, as suggested by Ram Jas Singh (P.W. 7). All four of these witnesses have close connections with the Congress Party, which is supporting the petitioner; Narsingh Pal actually worked as Kailash Nath Singh's polling agent and counting agent in the election; while Vishwanath Kapur is a Congress M.L.A. It is further to be noted that Baij Nath Singh, Ram Jas Singh and Narasingh Pal Singh belong to the same caste as the petitioner. Bearing all these facts in mind, we have obviously to exercise extreme care and caution when scrutinising the testimony of these four witnesses and assessing its value. Some of these witnesses have not hesitated to tell palpable falsehoods. According to Baij Nath Singh, Ch. Charan Singh actually addressed the meeting, which is clearly untrue. And Ram Jas Singh has stated that one of the persons present at the meeting was Habibur Rahman Nomani, M.L.A., though it is clear from the evidence of the latter (examined as R.W. 5) that on May 15th, 16th and 17th he was attending the hearings of the inquiry held at Mau (Azangarh district) by the Musaddi Lal Commission that had been appointed to inquire into the Mau disturbances of 29th March, 1969 and that on the crucial date (16.5.1969) his own statement was actually recorded by that commission. I have already pointed out the inherent improbability of the witnessess's assertion that the defamatory leaflet was being openly distributed by vakils by B.K.D. workers wearing badges and by the respondent in person. Bearing in mind the party and caste affiliations of these witnesses, the inherent improbability of their story as regards the alleged distribution of the leaflet by easily identifiable persons and the obvious falsehoods which some of them have told, I have no hesitation in rejecting their version of the distribution of the leaflet in Sundar Lal Park as totally unreliable.

The other instances of distribution of the leaflet in Sultanpur on 17th May, 1969, deposed to by Narsingh Pal Singh (P.W. 10) and Uma Datt (P.W. 12) are equally unworthy of credit. Narasingh Pal Singh would have us believe that Sripat Misra came to his house in person and that a copy of the leaflet was handed to him in Sripat Misra's presence. This seems most unlikely conduct on the part of the respondent, who must have known that Narsingh Pal Singh was fully committed to the petitioner, being his polling agent and counting agent as well as this caste-fellow. And Uma Datt, who similarly tries to make out that the leaflet was thrown into his jeep in the very presence of Sripat Misra, is clearly under an obligation to the petitioner, who supported him when he himself stood for election to the U.P. Legislative Assembly on the Congress ticket in February, 1969. I am not prepared to accept the testimony of either of these witnessses as true.

It is important to note that there is no documentary evidence whatsoever to corroborate the allegations of the petitioner's witnesses regarding the manner in which they say the leaflet Exh. 3 was distributed in their presence. Ram Jas Singh claims to have made a written application to the election officer, stating the facts and asking for legal action to be taken; but no such application is forthcoming from the Election Officer's records. Vishwanath Kapur claims to have attended a meeting on 17th May, 1969 at the Inspection Bungalow, where the Election Commissioner was staying and to have made an oral complaint about the leaflet to the Election Commissioner, but even this allegation is not corroborated from any reliable source. The Election Commissioner has not been examined as a witness in this case, but from the testimony of the Deputy Election Commissioner P. Roy (P.W. 1) it would appear that the leaflet was not brought to the notice of the Commissioner until the evening of 19th May, 1969 (the day when the votes were counted). Had it been true that Exh. 3 was being openly distributed by persons who could be identified, some specific complaint or report should have been lodged straightway giving the names or descriptions of those persons. But nothing seems to have been put down in writing at the time by the petitioner or any of his helpers; and the natural inference is that even though he may have come to know on May 16th or 17th that Exh. 3 was being distributed, they were not in a position to say who were the persons doing it and therefore could not accuse anyone specifically.

Mohammad Jallil and Sher Mohammad (P.W.s. 8 and 9) deposed that the leaflet Exh. 3 was given to them to read or was read out to them by the Vakil Mohammad Yunus in the village of Kotiya between 8 and 19 p.m. on 17th May, 1969. Their allegations in this respect, however, are contradicted by Mohammad Yunus himself (R.W. 3). He admits that he went to Kotiya on 17th May, 1969 to tell the Muslims of that place not to vote for the Congress (in pursuance of a resolution of the Muslim members of the Sultanpur Bar), but he denies that he distributed any leaflet or pamphlet there. Sher Mohammad is a Congress worker and acted as polling agent for the petitioner, while Mohammad Jallil admits that he has always supported the Congress. Their statements have therefore to be looked

at with considerable caution, in an election case where the fortunes of the Congress candidate are at stake; and in the absence of any kind of corroboration by documentary evidence or independent oral testimony it is obvious that it would be highly unsafe to rely on them. The testimony of Mohammed Yunus (R.W. 3) is clearly entitled to greater respect and I am not prepared to hold, on the basis of the evidence of these two witnesses, that the leaflets Exh. 3 was distributed by him.

The petitioner has thus failed to prove that Exh. 3 was printed at the instance of the respondent or that it was distributed by the respondent or his agent or by anyone else with his or his agent's consent. Learned counsel for the petitioner has pointed out that there were only two candidates standing for election, the petitioner and the respondent, and argues that this defamatory leaflet, which was calculated to prejudice the petitioner's chances of winning the election, could only have been sponsored by the respondent and his supporters. But while it is true that there is good ground in the circumstances for entertaining the suspicion that the petitioner may have been responsible for the issue of the pamphlet or may have connived at it, mere suspicion cannot take the place of proof. As pointed out by the Supreme Court in Jagdev Singh Sidhanti. V. Pratap Singh Daulta and others (A.I.R. 1965) Supreme Court 183:—

"in the trial of an election petition, the burden of proving that the election of a successful candidate is liable to be set aside on the plea that he was responsible directly or through his agent for corrupt practices at the election, lies heavily upon the applicant to establish his case, and unless it is established in both of its branches i.e. the commission of acts which the law regards as corrupt, and the responsibility of the successful candidate directly or through his agents or with his consent for its practice not by mere preponderance of probability but by cogent and reliable evidence beyond any reasonable doubt, the petition must fail."

In the present case it cannot be said that the responsibility of the respondent for the leaflet Exh. 3 has been established beyond reasonable doubt. Even though there may be room for suspicion against him or his agents in this connection, one cannot exclude the possibility that some else, may have printed and distributed the leaflet, without his knowledge or consent. The respondent has suggested that rival aspirants for the Congress ticket in the election might have been responsible for publishing the leaflet. But quite apart from them, any person nursing a serious private grudge against the petitioner could have issued the leaflet with the idea firstly of defaming him and secondly of causing him disappointment and monetary loss by making him lose the election. When alternative hypotheses are possible, one cannot say that the respondent's responsibility for Exh. 3 has been proved merely because suspicion points towards him on account of the fact that he happens to have been the only other candidate in the election. Item (d) of this issue accordingly remains unsubstantiated.

We are now left with item (c) i.e. promoting enmity between different classes of citizens on grounds of religion. To prove this form of corrupt practice, the petitioner relies upon the Urdu pamphlet Exh. 4, which is an appeal to Muslim voters not to vote for the Congress because this party, in spite of its promises, has not dealt fairly with minority communities, especially Muslims. The pamphlet draws attention to the fact that the Urdu language has not been given any regional status but has been banished from the courts and administrative offices of the state; and it further points out that under the Congress regime there has been an increase in communal disturbances in which Muslims have suffered severely, citing as an example the Mau disturbances (of March, 1969) in which the police and many of the officials are reported to have harassed the minority community in a shameful manner.

The respondent has denied that he and his agents and workers had any hand in the drafting, printing and publication of Exh. 4; and Mohammad Yunus (R. W. 3) has come forward to state that four or five days before the poll this pamphlet was issued by the Muslim members of the Sultanpur Bar (including himself) without any consultation with Sripat Misra. As regards its distribution the petitioner has examined Mohammad Jalil, (P.W.8) and Sher Mohammad (P.W.9), who depose that Mohammad Yunus gave them copies of this pamphlet between 8 and 10 p.m. on 17th May, 1969, but Mohammad Yunus had denied this. I have already discussed the evidence of Mohammad Jalil and Sher Mohammad when dealing with Exh. 3 and have found them to be unreliable and there is no need for me to repeat that discussion here. The petitioner alleges that Mohammad Yunus was a polling agent of Sripat Misra and was working for him in the election; but this too has been denied by Mohammad Yunus and the allegation remains unsubstantiated.

The result is that there is no evidence worth the name to connect the respondent with the pamphlet Exh. 4. And I may further point out that in any case this pamphlet does not seem to come within the mischief of clause (3A) of section 123 of the representation of the people Act, for it appears to be nothing more than legitimate election propaganda, criticising the record of achievement of the Congress Party while it was in office. There is no attack on Hindus as such; the target of criticism is the Congress Party, which is said to have failed to fulfil its promises to the minority community; and this cannot be construed as an "attempt to promote feelings of enmity or hatred between different classes of the citizens of India on ground of religion".

My conclusion is that the petitioner has failed to prove that the respondent is guilty of any corrupt practice, whether under item (c) or item (d) of this issue. This issue is accordingly decided against the petitioner, in the negative.

Issue No. 9.—The scrutiny of the various ballot papers that has been carried out in this case leads to the following conclusions. The petitioner is entitled to add 194 votes to his declared total (86 under Issue No. 2, 106 under issue No. 3 and 2 under issue No. 4), but from this must be deducted 250 votes (66 under issue No. 6 and 184 under issue No. 7), making a net loss of 56. The respondent on the other hand gains 159 votes (62 under issue No. 6, 1 under issue No. 7 and 96 under issue No. 8), but loses 273 (89 under issue No. 2 and 184 under issue No. 4), making a net loss of 114. Adjusting these net losses against the declared totals, we find that the final total of valid votes for the petitioner comes to 47736, while the final total for the respondent comes to 47927. The petitioner has thus failed to show that he has obtained a majority of the valid votes, and this issue is accordingly decided against him, in the negative.

Issue No. 10.—The petitioner having failed to prove either that he received the majority of valid votes or that the respondent was guilty of any corrupt practice, is clearly entitled to no relief.

ORDER

The petition accordingly fails and is dismissed. The respondent will be entitled to recover the costs incurred by him in these proceedings (estimated at Rs. 2,000 From the Petitioner).

Dated 24th November, 1969.

[No. 82/33 of 1969/UP/69(ALLD).]

ORDER

New Delhi, the 25th May 1970

S.O. 2207.—Whereas the Election Commission is satisfied that Shri Abdul Aziz, S/o Shri Ali Bux, R/o Mohalla Pakka Katra Kasba Tilhar, Shahjahanpur, Uttar Pradesh, a contesting candidate for mid-term general election to the Uttar Pradesh Legislative Assembly from 63-Tilhar Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Abdul Aziz, S/o Shri Ali Bux, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/63/69(44).]

प्रावेश

नई दिल्ली, 25 मई, 1970

एस.ओ. 2207 यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधानसभा के मध्यांशि माधारण निर्वाचन के लिए 63-तिलहर निर्वाचन-ज़िले में चनाव लड़ने वाले उम्मीदवार श्री अब्दुल

आजीज सुपुत्र श्री अली बक्स, निवासी मौ० पक्का कटरा, कस्ता तिलहर, शाहजहांपुर, उत्तर प्रदेश, लोक प्रतिनिधित्व प्रतिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित निर्वाचन कर्यों का लेखा दाखिल करने में असफल रहे हैं;

ओर, यत्, उक्त उम्मीदवार उसे सम्बन्धित सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उभन अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अब्दुल अजीज सुपुत्र श्री अली बक्स, को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होनेके लिए इस भादेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-बि०स०/63/69(44)]

New Delhi, the 30th May 1970

S.O. 2208.—Whereas the Election Commission is satisfied that Shri Hamid Rashid, S/o Shri Mohammad Shafi Sheikh Ansari, R/o House No. 766, Mohalla Shahbad, Bareilly Uttar Pradesh, a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 52-Bareilly City Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 102A of the said Act, the Election Commission hereby declares the said Shri Hamid Rashid, S/o Shri Mohammad Shafi, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/52/69/(43).]

By Order,

V. NAGASUBRAMANIAN, Secy.

नई दिल्ली, 30 मई 1970

०एम ओ० २२०८ प.र.: निर्वाचन आयोग का समाधान हो गया है कि उन्नर प्रदेश विधान सभा के लिये निर्वाचन के लिये ५२-बरेली निटी नमा निर्वाचन-झेव से त्रुताव लड़ने वाले उम्मीदवार श्री हामिद रशीद, सुपुत्र श्री मोहम्मद शफी, श्री अंसाप्ररी, निवासी मकान न० 766, मोहल्ला शाहबाद, बरेली, उत्तर प्रदेश लोक प्रतिनिधित्व प्रतिनियम, 1951 तर्ग तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

ओर, यत् : उक्त उम्मीदवार ने उसे सम्बन्धित सूचना दिए जाने पर भी इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है।

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री हामिद रशीद सुपुत्र श्री मोहम्मद शफी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा

अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस श्रादेश की तारीख में तीन वर्ष की कालावधि के लिये निर्वाचित करता है।

[सं ० उ० प्र०-वि० स०/५२/६९/(४३)]

श्रादेश से,

वी० नागासुन्नाहमण्डन, मन्त्रिव ।

ORDER

New Delhi, the 2nd June 1970

S.O. 2209.—Whereas the Election Commission is satisfied that Shri Kedar Nath Sahay, Rio Kani Bazar, Ward No. 10, Hazaribagh (Bihar), a contesting candidate for the mid-term election to the Bihar Legislative Assembly held in 1969 from 271-Ramgarh Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder;

2. And Whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Kedar Nath Sahay, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/271/69(97).]

By Order,
ROSHAN LAL, Secy.

श्रादेश

नई दिल्ली, 2 जून, 1970

एस० ओ० २०९ —यतः, निर्वाचित आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए फरवरी, 1969 में दूए मध्यावधि निर्वाचित के लिए 271-रामगढ़ निर्वाचित क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री केदार नाथ सहाय निवासी, कानी बाजार, वार्ड नं० 10, हजारी बाग (बिहार), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचित व्ययों का सेखा दाखिल करने में असफल रहे हैं।

और, यतः, उक्त उम्मीदवार ने, उस सम्यक् सूचना दिये जाने पर भी, आगामी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचित आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए पर्याप्त कारण अथवा न्यायोचित नहीं हैं।

अतः, अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचित आयोग एन्ड्रद्वारा उक्त श्री केदारनाथ सहाय को संसद के दोनों भांतों में से किसी भी भांत के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस श्रादेश की तारीख से तीन वर्ष की कालावधि के लिए निर्वाचित घोषित करता है।

[सं ० विहार-वि० स०/२७१/६९(९७).]

श्रादेश से,

रोशन लाल, मन्त्रिव ।

विदेश मंत्रालय

नई दिल्ली, 4 फरवरी, 1970

एस० ओ० 483.—राजनयिक एवं कौसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 के खण्ड 2 धारा (क) के अनुपालन में, केन्द्र सरकार, इसके द्वारा भारत का राजदूतावास, सोफिया में सहायक, श्री एन० श्रीनिवासन को इसी समय से अगला आदेश होने तक कौसली अधिकारी का कार्य करने का अधिकार देती है।

[सं० एफ० टी० 4330/7/69.]

पी० सी० भट्टाचार्य, अवर सचिव।

वित्त मंत्रालय

(राजस्व और बीमा विभाग)

नई दिल्ली, 18 मई, 1970

एस० ओ० 1753.—स्वर्ण (नियन्त्रण) अधिनियम, 1968 (1968 का 45) की धारा 109 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार यह राय होने के कारण कि ऐसा करना लोक हित में आवश्यक और समीचीन है, एतद्वारा,

- (I) भारतीय स्टेट बैंक,
- (II) भारतीय स्टेट बैंक (समनुभंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 2 के खण्ड (ट) में यथा परिभाषित समनुभंगी बैंक,
- (III) बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 5 के खण्ड (ग) में यथा परिभाषित बैंककारी कम्पनी, को स्वर्ण (नियन्त्रण) अधिनियम, 1968 की धारा 16 के उपबन्धों के प्रवर्तन से, वहाँ तक जहाँ तक उक्त धारा का संबंध ऐसे बैंक द्वारा ऐसी किसी वस्तु या आभूषण के संबंध में, जो उसके द्वारा उधार दिए गए या प्रतिरिद्धि दिए गए किसी धन की प्रतिभूति के रूप में उसके कब्जे, अभिरक्षा या नियन्त्रण में है, घोषणाएँ या अपर घोषणाएँ करने से छूट देती है।

[सं० फा० 1/31/70-जी सी II.]

जसजीत सिंह, संयुक्त सचिव।

MINISTRY OF INFORMATION AND BROADCASTING ORDER

New Delhi, the 16th June 1970

S.O. 2210.—In pursuance of the directions issued under the provision of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in all its language versions to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

(1) Sub-Section (4) of the Section 12 and Section 18 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).

(2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).

THE SECOND SCHEDULE

S. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film.
1	2	3	4	5	6
1	Maharashtra News No. 216	303.89 M	Director of Publicity, Govt. of Maharashtra, Film Centre, 68-Tardeo Road, Bombay-34.		Film dealing with news & current events. (For release in Maharashtra Circuit only).

[No. F. 28/1/70—FP App. 1471]

K. K. KHAN, Under Secy.

सूचना और प्रसारण मंत्रलय

आदेश

नई विम्ली, 16 जून, 1970

एस० ओ० 2210.—इसके साथ लगी प्रथम अनुसूची में निर्धारित प्रत्येक आधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार, केन्द्रीय सरकार, फ़िल्म सलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद, एतद्वारा इसके, साथ लगी द्वितीय अनुसूची के कालम 2 में वी गई फ़िल्म की उसके सभी भाषाओं के रूपान्तर सहित, जिसका विवरण उसके सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है :—

प्रथम अनुसूची

(1) चलचित्र अधिनियम, 1952 (1952 का 37 वां केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16।

(2) बम्बई सिनेमा (विनियम) अधिनियम 1953 (1953 का 11 वां बम्बई अधिनियम की धारा 5 की उपधारा (3) तथा धारा 9।

द्वितीय अनुमति

फ़िल्म का नाम संख्या	लम्बाई ३५ मि० मी०	ग्रावेस्क का नाम नाम	निर्माता का नाम	क्या बैज्ञानिक फ़िल्म है या शिक्षा संबंधी फ़िल्म है या समाचार और सामयिक घट- नाओं की फ़िल्म है या डाकुमेंट्री फ़िल्म है।
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1. महाराष्ट्र समाचार 303.89 प्रचार निदेशक, महाराष्ट्र सरकार, समाचार और सामयिक संख्या 216 भोटर फ़िल्म सेन्टर, 68-तारदेव रोड, घटनाओं की फ़िल्म लम्बाई-34. (वल महाराष्ट्र सर्किट के लिये।)

[संख्या फ० 28/1/70—एफ० पी०—परिवहन 1471]

क० क० खान, अवर सचिव।

पोत परिवहन तथा परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 13 मई, 1970

एस० एस० 1812.—मोटर गाड़ी (तृतीय पक्षकार बीमा) नियम, 1946 को संशोधित करने के लिये निम्नलिखित प्रारूप नियम, जिन्हें केन्द्रीय मण्डकार मोटर गाड़ी अधिनियम, 1939 (1939 का 4) की धारा 111 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त अधिनियम की धारा 133 द्वारा यथा अपेक्षित उन व्यक्तियों की जानकारी के लिए, जिनका उससे प्रभावित होना संभाव्य है, प्रकाशित किया जाता है और एनद्डीआर मूल्चित किया जाता है कि उक्त प्रारूप, पर 30 मई 1970 को या उसके बाद उस किसी आक्षण या सुझावों के साथ, जो विनियोगित तारीख से पूर्व उसके संबंध में प्राप्त हों, विचार किया जायेगा:—

प्रारूप नियम

मोटर गाड़ी (तृतीय पक्षकार बीमा) (र्मशीधन) नियम, 1970

1. ये नियम मोटर गाड़ी (तृतीय पक्षकार बीमा संशोधन) नियम, 1970 के हो सकेंगे।

2. मोटर गाड़ी (तृतीय पक्षकार बीमा), नियम, 1946 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) में, नियम 6 के पश्चात् निम्नलिखित नियम अन्तःस्थापित किया जाएगा, अर्थात् :—
6. 6. बीमा प्रमाणपत्र और पालिसी के अन्तरण के लिये आवेदन जो व्यक्ति अन्य व्यक्ति को मोटर गाड़ी उपर संबंधित बीमा पालिसी के साथ अन्तरित करने की प्रस्थापना करता है, वह उस बीमा कर्ता को, जिसने ऐसी गाड़ी के बारे में प्रमाणपत्र जारी किया है, इन नियमों की अनुसूची में दिए गए प्रलेख में दिए प्रमाण पत्र और उसमें वर्णित पालिसी के उस व्यक्तिके पक्ष में, जिस को मोटर गाड़ी अन्तरित करने की प्रस्थापना है, अन्तरण के लिए आवेदन कर सकेगा।”
3. उक्त नियम की अनुसूची के प्ररूप के पश्चात् निम्नलिखित प्ररूप अन्तःस्थापित किया जाएगा, अर्थात् :—

प्ररूप कक्ष

(नियम 6 के देखिए)

मोटर गाड़ी अधिनियम, 1939

बीमा प्रमाण पत्र और पालिसी के अन्तरण के लिये आवेदन

मैं/हम, श्री पता के नाम में सं. के अधीन रजिस्ट्रीकृत मोटर गाड़ी को अन्तरित करने की प्रस्थापना करता हूँ / करते हैं और मैं / हम एतद्वारा मोटर गाड़ी अधिनियम, 1939 की धारा / 03 के अनुसार, उक्त मोटर गाड़ी की बावत आप द्वारा जारी किये गए बीमा प्रमाणपत्र और उसमें नम्बर सं. वाली पालिसी के से उक्त श्री के पक्ष में अन्तरण के लिए आवेदन करता हूँ / करते हैं।”

[सं 29-टी ए जी (II)/70]

कृष्ण चन्द्र जोशी, उप सचिव।

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICES

New Delhi, the 27th June 1970

S.O. 2211.—The following modifications which the Central Government proposes to make the zonal development plan for (a) zone C-1 (Kashmere Gate) and (b) zone D-5 (D.I.Z. area-Gole Market area) are hereby published for public information. Any person having any objection or suggestion with respect to the proposed modifications may send the objection or suggestion in writing to the Secretary, Delhi Development Authority, Delhi Vikas Bhawan, Indraprashtha Estate, New Delhi, within a period of thirty days from the date of this notice. The person making the objection or suggestion should also give his name and address.

Modifications:

- (1) **Zone C-1 (Kashmere Gate area)** An area measuring about 6.87 hectares (about 17 acres) ear-marked for institutional use in the Master Plan/Zonal Plan, occupied by Delhi College of Engineering Technical Higher Secondary School and Women's Poly-technic, bounded by National Highway 91.44 ms. wide (300' R/W) in the east partly, an existing lane separating residential area in the North, Master Plan Roads 30.48 ms. (100 ft.) and 45.72 meteres (150' R/W) in the South-East and South-West and by an existing road in the North-West to be changed to "commercial".

(2) Zone D-5 (D.I.Z.—Gole Market area) Land use of a 0.278 hectare approx. plot bounded by 45.72 metre wide Irwin Road on the South-East, 18.288 metre wide proposed road on the South-West Higher Secondary school in the North-West and general business and commerce on the North-East to be changed from "residential" to "commercial."

2. The plans indicating the proposed modifications will be available for inspection at the office of the Authority, Delhi Vikas Bhawan, Indraprastha Estate, 'D' Block, New Delhi on all working days except Saturdays within the period referred to above.

[No. F. 3(95)/69-M.P.]

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचनाएँ

नई दिल्ली, 27 जून, 1970

एस.ओ. 2211.—निम्नलिखित संशोधन जो केन्द्रीय सरकार जोनल डबलपर्मेट प्लान (क) जीन सी-1 (कश्मीरी गेट) और (ख) जीन डी-5 (डी० आई० जेड एरिया—गोल मार्किट एरिया) के लिये प्रस्तावित किये हैं, एतद्वारा जनता की सूचनार्थ प्रकाशित किये जाते हैं। इन प्रस्तावित संशोधनों में किसी व्यक्ति को कोई आपत्ति या सुक्षाव देना हो तो वह अपनी आपत्ति या सुक्षाव लिखित रूप में सचिव, दिल्ली विकास प्राधिकरण, विकास भवन, इन्द्रप्रस्थ एस्टेट, नई दिल्ली, को इस सूचना की तिथि से 30 दिन के भीतर भेज सकता है। जो व्यक्ति आपत्ति या सुक्षाव प्रस्तुत करें उसे अपना नाम व पता सी देना चाहिये।

संशोधन—

(1) जीन सी-1 (कश्मीरी गेट)

लगभग 6.87 हेक्टर (लगभग 17 एकड़) भूमि जो मास्टर प्लान/जोनल प्लान के अनुसार इस में विल्ली कालिज आफ इन्जीनियरिंग, टैक्नीकल हायर सेकेन्डरी स्कूल और विमेन्स पोलिटेक्निक संस्थानों के उपयोग में आ रही है, इस के एक और 91.44 मीटर (300 फुट) का नेशनल हाईवे पूर्व में, एक स्थित गली आवास क्षेत्र से उत्तर में इस को अलग करती है, मास्टर प्लान की सङ्केत 30.48 मीटर (100 फुट) और 45.72 मीटर (150 फुट) दक्षिण-पूर्व और दक्षिण-पश्चिम क्रमशः है और उत्तर-पश्चिम में एक स्थित सड़क है। इस उपर्युक्त भूमि को संस्थाओं के उपयोग के बदले व्यापारिक उपयोग में बदलना है।

(2) जीन डी-5 (डी० आई० जेड० एरिया गोल मार्किट)

उपयोग लगभग 0.278 हेक्टर भूखण्ड जिसके एक और 45.72 मीटर की इविन रोड दक्षिण-पूर्व में है, दक्षिण-पश्चिम में 18.288 मीटर प्रस्तावित सड़क उत्तर-पश्चिम में हायर सेकेन्डरी स्कूल और उत्तर-पूर्व में साधारण दुकानें और व्यापार आदि है। इस भूमि खण्ड को आवास क्षेत्र से व्यापार घोग्य भूमि के उपयोग में बदलना है।

2. के नक्शे जो प्रस्तावित संशोधनों को दर्शते हैं निरीक्षण हेतु प्राधिकारी, दिल्ली विकास भवन, इन्द्रप्रस्थ एस्टेट, नई दिल्ली के कार्यालय में शनिवार को छोड़ कर सभी कार्यशील दिनों में, उपर्युक्त अवधि के मध्य देखे जा सकते हैं।

[सं. एफ. 3(95)/69-एम.पी.०]

S.O. 2212.—The following modification which the Delhi Development Authority purposes to make in the zonal development plan for zone D-2 (Mata Sundri Road) is hereby published for public information. Any person having any objection or suggestion with respect to the proposed change may send the objection or suggestion in writing to the Secretary, Delhi Development Authority, Delhi Vikas Bhawan, Indraprastha Estate, New Delhi, within a period of thirty days from the date of this notice. Any person making the objection or suggestion should also give his name and address.

Modification:

Approx. 8.1 hectares of land earmarked for two higher secondary schools located in the pocket surrounded by Rouse Avenue in the north, northern railway in the south, proposed school-lane bridge in the east and 24.4 metre wide zonal plan road in the west to be interchanged with the land earmarked for residential use measuring approx. 4.04 hectares falling within this pocket.

2. The plan indicating the proposed modification will be available for inspection at the office of the Authority, Delhi Vikas Bhawan, Indraprastha Estate, New Delhi on all working days except Saturdays within the period referred to above.

[No. F. 3(262)/68-M.P.]

M. L. MONGIA, Secy.

एस० ओ० 2212.—निम्नलिखित "संशोधन" जो "दिल्ली" विकास प्राधिकरण जोनल डब्लैपमेंट प्लान जोन डी-२ (माता सुन्दरी रोड एरिया) के लिये प्रस्तावित किया है, एतद्वारा "जनता की सूचनार्थ प्रकाशित किया जाता है।" इस प्रस्तावित संशोधन में किसी व्यक्ति को कोई आपत्ति या सुझाव देना हो तो वह अपनी आपत्ति या सुझाव लिखित रूप में सचिव, दिल्ली विकास प्राधिकरण, दिल्ली विकास भवन, इन्द्रप्रस्थ एस्टेट, नई दिल्ली को इस सूचना की तिथि से 30 दिन के भीतर भेज सकता है। जो व्यक्ति आपत्ति या सुझाव प्रस्तुत करें उसे अपना नाम व पता भी देना चाहिये।

संशोधन :—

लगभग 3.1 हेक्टर भूमि दो उच्चतर माध्यमिक विद्यालयों के लिये राऊज एवेन्यू के पास सुरक्षित की गई थी। इसके उत्तर में राऊज एवेन्यू, धक्किण में उत्तर रेलवे, पूर्व में प्रस्तावित स्कूल-लेन ब्रिज और पश्चिम में 24.4 मीटर चौड़ी जोनल प्लान रोड। इस भूमि का आवास योजना के अन्तर्गत भूमि 4.04 हेक्टर (अनुमानित) से बदलने का प्रस्ताव है।

2. यह नक्शा जो प्रस्तावित संशोधन को दर्शाता है, निरीक्षण हेतु, प्राधिकारी, दिल्ली विकास भवन, इन्द्रप्रस्थ एस्टेट, नई दिल्ली के कार्यालय में शनिवार को छोड़ कर भी कार्यशील दिनों में, उपर्युक्त अवधि के मध्य देखा जा सकता है।

[सं० एफ० 3(262)/68-एम० पी०]

मदन लाल भोंगिया, सचिव

MINISTRY OF FOREIGN TRADE

New Delhi, the 9th June 1970

S.O. 2213.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises the quality Marking Centres, Directorate of Industries, Uttar Pradesh, at Aligarh, Meerut and Moradabad as the agencies for the inspection of six light engineering products, namely, (1) Brass utensils, (2) Padlocks, (3) Copper utensils, (4) Mortice locks, (5) Scissors, and (6) Drawer locks, Cub-board

locks and Box locks, specified in Schedule II annexed to the notification of the Government of India in the late Ministry of Commerce No. S.O. 3030, dated the 20th September, 1965, and makes the following further amendments in the said notification, namely:—

In the said notification, in Schedule I, after Serial No. 15 and the entry relating thereto, the following shall be inserted, namely:—

“16. The Quality Marking Centres, Directorate of Industries, Uttar Pradesh, at Aligarh, Meerut and Moradabad.”.

[No. 60(26)/Exp.Insp/67.]

विदेशी बाजार मंत्रालय

नई दिल्ली, 9 जून 1970

का० आ० 2213.—नियाति (गुण नियन्त्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा अलीगढ़, मेरठ और मुरादाबाद में गुण चिन्हन केन्द्र, उद्योग निदेशालय उत्तर प्रदेश को भारत सरकार के भूतपूर्व वाणिज्य मंत्रालय की अधिसूचना सं० का० आ० 3030 तारीख 20 मित्स्वर, 1965 से उपायद्व अनुसूची 11 में विनिर्दिष्ट छ : हल्के इजिनियरिंग उत्पादों, अर्थात् (1) पीतल के बर्तन, (2) विषोज्य तालों (पैडलाक) (3) तांबे के बर्तन, (4) खांचा तालों, (5) कैचियों, और (6) दशराज के तालों, अल्मारी के तालों और सन्दूक के तालों के निरीक्षण के लिये अभिकरण के रूप में मान्यता देता है, और उक्त अधिसूचना में, निम्नलिखित, और आगे संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, अनुसूची 1 में कम संख्या 15 और तत्सम्बन्धी प्रविष्ट के पश्चात् निम्नलिखित अन्त : स्थापित किया जायेगा, अर्थात् :—

“16. अलीगढ़, मेरठ और मुरादाबाद में गुण चिन्हन केन्द्र, उद्योग निदेशालय, उत्तर प्रदेश”

[पं० 60(26)/एक्स पो० ईसपे०/67]

S.O. 2214.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises (i) N.C. Corporation Private Ltd., Stadium House, 3rd floor, Veer Nariman Road, Bombay-1; (ii) Ferrado Laboratories, Ganjam Street, Kakinada (A.P.); and (iii) Eskaps (India) Private Limited, 30, Chowringhee Road, Calcutta-16 as the agencies for the inspection of minerals and Ores—Group I, specified in Schedule II annexed to the notification of the Government of India in the late Ministry of Commerce No. S.O. 3152, dated the 30th September, 1965 and directs that the following further amendment shall be made in the said notification, namely:—

In the said notification, in Schedule I, after Serial No. 12, the following shall be inserted, namely:—

“13. N.C. Corporation Private Ltd., Stadium House, 3rd floor, Veer Nariman Road, Bombay-1.

14. Ferrado Laboratories, Ganjam Street, Kakinada, (A.P.).

15. Eskaps (India) Private Limited, 30, Chowringhee Road, Calcutta-16.”

[No. 60(144)/Exp.Insp/66.]

का० आ० 2214.—नियाति (गुण नियन्त्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा, (i) एन० से० कार्पोरेशन प्राइवेट लिमिटेड, स्टेडियम हाउस, तीसरी मंजिल बीर नरीमन रोड़; मुंबई-1, (ii) फेरडो लेबोरेटरिज, गंजम स्ट्रीट काकीनाडा (आ० प्र०) और (iii) एक्सप्स (इंडिया) प्राइवेट लिमिटेड, 30, चौरांगी रोड़, कलकत्ता 16 को भारत सरकार के भूतपूर्व मंत्रालय की अधिसूचना सं० का० आ० 3152 तारीख

30 मितम्बर 1965 से उपावद्ध प्रातुसूची 11 में विनिर्दिष्ट खनियों और अवस्कौ-ग्रुप 1 के निरीक्षण के लिए अभिन्नता के रूप में मान्यता देती है और निर्देश देती है कि उक्त अधिसूचना में और आगे निम्नलिखित तंसोधन किया जायेगा, अर्थात् :—

उक्त अधिसूचना में प्रातुसूची 1, में, मद तंस्या 12 के विचार निम्नलिखित अन्तःस्थापित किये जाएंगे, अर्थात् :—

"13. एन सी० कार्पोरेशन प्राइवेट लिमिटेड, स्टेडियम हाउस, तीसरी मंजिल, वीर नारीमन रोड, मुंबई-1।

14. फरेंडो लेबोरेटरीज, गंजम, स्ट्रीट कालीनाडा (आंध्र प्रदेश)

15. एस्केप्स (ईडिया) प्राइवेट लिमिटेड, 30, चौरसी रोड, कलकत्ता-16,

[सं० 60 (144)/एक्सप्र० इंसप्र०-66]

S.O. 2215.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises (1) N.C. Corporation Private Lt., Stadium House, 3rd floor, Veer Nariman Road, Bombay-1; (ii) Export Inspection Agency-Bombay, 11/21, Mathew Road, Bombay-4; (iii) Export Inspection Agency-Calcutta, 14/1B, Ezra Street, 10th floor, Calcutta-1; (iv) Export Inspection Agency, Cochin, Manohar Building, Mahatma Gandhi Road, Ernakulam, Cochin-11; (v) Export Inspection Agency-Delhi, 6B/9, Northern Extension Area, Rajinder Nagar, New Delhi-5; and (vi) Export Inspection Agency-Madras, 123, Mount Road, Madras-6 as the agencies for the inspection of the minerals and ores—Group II, specified in Schedule II annexed to the notification of the Government of India in the late Ministry of Commerce No. S.O. 3150, dated the 30th September, 1965 and directs that the following further amendment shall be made in the said notification, namely:—

In the said notification, in Schedule I, after Serial No. 12, and the entry relating thereto, the following shall be inserted, namely:—

- "13. N.C. Corporation Private Ltd., Stadium House, 3rd floor, Veer Nariman Road, Bombay-1.
- 14. Export Inspection Agency-Bombay, 11/21, Mathew Road, Bombay-4.
- 15. Export Inspection Agency-Calcutta, 14/1-B, Ezra Street, 10th floor Calcutta-1.
- 16. Export Inspection Agency-Cochin, Manohar Building, Mahatma Gandhi Road, Ernakulam, Cochin-11.
- 17. Export Inspection Agency-Delhi, 6B/9, Northern Extension Area, Rajinder Nagar, New Delhi-5.
- 18. Export Inspection Agency-Madras, 123, Mount Road, Madras-6".

[No. 60(144)Exp.Insp/66.]
M. K. B. BHATNAGAR,
Dy. Director
(Export Promotion)

का० आ० 2215 निर्यात (वैण नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा दित शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एन्डारा (1) एन० सी० कार्पोरेशन प्राइवेट लिमिटेड, स्टेडियम हाउस, तीसरी मंजिल वीर नारीमन रोड, मुंबई 1; (2) निर्यात निरीक्षण अभिकरण-मुंबई, 11/21 मैथ्यू रोड मुंबई-4, (3) निर्यात निरीक्षण अभिकरण, कलकत्ता, 14/1 बी, एजरा स्ट्रीट, दसवीं मंजिल, कलकत्ता-1, (4) निर्यात निरीक्षण अभिकरण, कोलीन मनोहर बिल्डिंग, महात्मा गांधी रोड एस्टाकुलम, कोलीन-11; (5) निर्यात निरीक्षण अभिकरण, दिल्ली 6 बी/9' नार्दन एक्सटैशन एरिया, राजेंद्र नगर, नई बिल्ली-5, और (6) निर्यात निरीक्षण अभिकरण, मद्रास, 123 माउट रोड, मद्रास-6 को भारत

सरकार के भूतपूर्व वाणिज्य संबंधित की अधिसूचना सं० का० आ० 3150 तारीख 30 सितम्बर, 1965 उपायद्वारा अनुसूची 11 में विनिर्दिष्ट खनिजों और अरगाच्छों के निरीक्षण के लिए अभिकरण के रूप में मान्यता देती है और निदेश देती है कि उक्त अधिसूचना में और आगे निम्नलिखित संशोधन किया जायगा' अर्थात् :—

उक्त अधिसूचना में, अनुसूचि में 1 में, कप संख्या 12 और तत्सम्बन्धी प्रविष्ट के पश्चात् निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

- 13 एत० सौ० कार्पोरेशन प्राइवेट लिमिटेड, स्टेडियम हॉटस तीसरी मंजिल, बीर नारीमन रोड, मुंबई-1
14. निर्यात निरीक्षण अभिकरण—मुंबई, 11/21 मैथ्रू रोड मुंबई-4
- 15 निर्यात निरीक्षण अभिकरण—कलकत्ता, 14/1 बी, एजरा स्ट्रीट, दसवी मंजिल, कलकत्ता-1
- 16 निर्यात निरीक्षण अभिकरण—कोचीन, मनोहर विल्सडग, महात्मा गांधी रोड, एरनाकुलम, कोचीन-11
- 17 निर्यात निरीक्षण अभिकरण-विल्सी, 6 बी/9, नार्दन एक्सटेंशन एग्मिया, जिन्द्र नगर नई दिल्ली - 5
- 18 निर्यात निरीक्षण अभिकरण -मद्रास, 123, मार्टिट रोड, मद्रास-6

[सं० 60(144)-एसपो० इंस०]

एम० के० बी० भट्टाचार्य,
उप-निदेशक, निर्यात संबंधित।

**MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION
(Department of Labour and Employment)**

New Delhi, the 18th May 1970

S.O. 2216.—Whereas an industrial dispute exists between the management of Ranipur Colliery of Messrs Equitable Coal Company, Limited, Post Office Salatore, District Purulia (hereinafter referred to as the said employers) and their workmen represented by the Colliery Mazdoor Congress (Hind Mazdoor Sabha), Bengal Hotel, Asansol (hereinafter referred to as the union);

And whereas the said employers and the union have by a written agreement in pursuance of the provision of sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person specified therein, and a copy of the said agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of Sub-Section (3) of Section 10A of the Industrial Disputes Act 1947, (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 30th April, 1970.

FORM 'C'

Agreement

[Under Section 10A of the I.D. Act, 1947.]

NAME OF PARTIES.

Representing employers.—Shri B. P. Banerjee, Labour Officer, M/s. Equitable Coal Co. Ltd., P.O. Dishergarh, Burdwan.

Representing employees.—Shri Jayanta Podder, Joint Secretary, Colliery Mazdoor Congress (HMS), Bengal Hotel, Asansol.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri R. B. Majumdar, Asst. Labour Commissioner(C), Asansol-II.

(i) Specific matters in dispute.

"Keeping in view the recommendations of the Central Wage Board as accepted by the Government of India in their resolution dated 21st July, 1967 and also the nature of duties performed by the workmen concerned, whether the management of Ranipur Colliery of M/s. Equitable Coal Co. Ltd., P.O. Saltore, Dist. Purulia have correctly and properly designated the workmen named below and have correctly and properly placed in the grade/category? If not, to what relief are the workmen concerned entitled and from what date?"

Name	Designation
1. Shri Bhola Roy	Machine Driver
2. Shri Sudarshan Roy	-do-
3. Shri Sital	Machine Mazdoor
4. Shri Meghu	Barricade Mazdoor
5. Shri Madan Mahato	Electric Helper
6. Shri Dharani Ghosal	Tub Checker
7. Shri Narayan Mondal	Store Issue Clerk
8. Shri Uma Pada Dey.	Fitter Helper.

(ii) Details of the parties to the dispute including the name & address of the establishment or undertaking involved Employers in relation to Ranipur Colliery of M/s. Equitable Coal Co. Ltd., P.O. Saltore, Dist. Purulia.

Vs.

Colliery Mazdoor Congress (HMS), Bengal Hotel, Asansol.

(iii) Name of the union, if any, representing the workmen in question, Colliery Mazdoor Congress (HMS), Asansol.

(iv) Total No. of workmen employed in the undertaking affected : 2082

(v) Estimated No. of workmen affected or likely to be affected by the dispute : 8 (eight)

We further agree that the decision of the arbitrator shall be final and binding on us.

The arbitrator shall make his award within a period of six months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the Parties.

Representing employers, B. P. BANERJEE,

Representing employees, JAYANTA PODDER,

13-4-70.

Witnesses:—

1. Sd./ Illegible,—13-4-70.
2. Sd./ Illegible,—13-4-70.

Dated 13. 4. 1970.

I hereby agree to act as an Arbitrator in the dispute.

Sd./ R. B. MAZUMDAR,
Asst. Labour Commissioner (C), Asansol.

[No. 8/74/70-IR.III].

अम, रोजगार और पूर्वास मंत्रालय

(अम और रोजगार विभाग)

नई दिल्ली, 18 मई, 1970

का० आ० 2216.—यतः मैसर्स इक्विटेबल कोल कंपनी लिमिटेड डाकघर सल्लीर जिला पुरुलिया को रानीपुर कोलियारी के प्रबन्धतंत्र (जिसे इसमें इसके पश्चात् उक्त नियोजक कहा गया है) और उनके कर्मकारों, जिनका प्रतिनिधित्व कोलियारी मजदूर कांग्रेस (हिन्द मजदूर सभा) बंगाल होटल, आसनसोल (जिसे इसमें इस के पश्चात् संघ कहा गया है) करती है, के बीच एक श्रौद्धोगिक विवाद विद्यमान है;

और यतः उक्त नियोजक और संघ ने श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबन्धों के अनुसरण में उक्त विवाद को एक लिखित करार द्वारा उसमें विनिर्दिष्ट व्यक्ति को माध्यस्थम् के लिए निर्देशित करने का करार कर लिया है और उक्त करार की एक प्रति केन्द्रीय सरकार को भी जी गई है;

अतः अम, श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 10-क की उपधारा (3) के उपबन्धों के अनुसरण में केन्द्रीय सरकार उक्त माध्यस्थम् करार को, जो उसे 30 अप्रैल, 1970 को मिला था, एतद्वारा प्रकाशित करती है।

प्रस्तुत

करार

(श्रौद्धोगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन)

पक्षकारों के नामः

नियोजकों का प्रतिनिधि : श्री बी० पी० बनर्जी,
श्रम अधिकारी,
मैसर्स इक्विटेबल कोल क० लिमिटेड,
डाकघर दिशेरगढ़, बर्बान।

कर्मचारियों का प्रतिनिधि : श्री जयन्त पोद्दर, संयुक्त सचिव,
कोलियारी मजदूर कांग्रेस (हिन्द मजदूर सभा) बंगाल होटल,
आसनसोल।

पक्षकारों के बीच एनद्वारा निम्नलिखित औद्योगिक विवाद को श्री आर० श्री० मजूमदार, महायक श्रम अधिकृत (सी), आसनसोल-II के माध्यम्यम् के लिए निर्देशित करने का करार किया गया है :—

(i) विनिर्दिष्ट विवाद-प्रस्त विषय

“क्या केन्द्रीय मजदूरी बोर्ड की सिफारिशों को, जिस रूप में वे भारत सरकार द्वारा उसके संकल्प तारीख 21-7-67 में प्रतिशृहित की गई है, और संबंधित कर्मकारों द्वारा की गई इन्यूटियों की प्रकृति को ध्यान में रखते हुए मैसर्स इंविटेबल कोल कं० लिमिटेड, डाकघर मल्टोर, जिला पुरुलिया की रानीपुर कोलियारी के प्रबन्धतंत्र ने उन कर्मकारों को जिनके नाम नीचे दिए गए हैं ठीक तौर से और उचित रूप में पशाभिधान दिया है और उन्हें ठीक तौर से और उचित रूप में शेणी/प्रवर्ग में रखा है, यदि नहीं तो, संबंधित कर्मकार किस अनुतोष के और किस तारीख से हकदार हैं?”

नाम	पदाभिधान
1. श्री भीलाराय	मशीन चालक
2. ” मुदर्शन राय	—योक्ता—
3. ” सीतल	मशीन मजदूर
4. „ मेधू	अवरोध मजदूर
5. „ मदन महतो	विद्युत मददगार
6. „ धरणी घोषाल	प्रोपयान चेकर
7. „ नारायण भौंडल	भण्डार निर्गम लिपिक
8. „ उमा पद डे	फिटर मददगार

(ii) विवाद के पक्षकारों का व्योरा, जिसमें अन्तर्वित स्थापन या उपक्रम का नाम और पता भी सम्मिलित है।

मैसर्स इंविटेबल कोल कंपनी, लिमिटेड,

डाकघर सल्तोर जिला पुरुलिया की रानीपुर कोलियारी से सम्बद्ध नियोजक बनाम

कोलियारी मजदूर कंप्रेस (हिन्द मजदूर, सभा), बंगाल होटल, आसनसोल।

(iii) संघ का नाम, यदि कोई प्रश्नगत कर्मकारों का प्रतिनिधित्व करता हो।

कोलियारी मजदूर कंप्रेस (हिन्द मजदूर सभा), आसनसोल।

(iv) प्रभावित उपक्रम में नियोजित कर्मकारों की कुल संख्या

2082

(v) विवाद द्वारा प्रभावित या सम्भाव्यतः प्रभावित होने वाले कर्मकारों की अनुमानित संख्या

8(आठ)

हम यह करार और करते हैं कि मध्यस्थ का विनिश्चय अन्तिम और हम पर आबद्धकर होगा।

मध्यस्थ अपना पंचाट छः भड़ीने की कालावधि के भीतर या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखिन कगर द्वारा बढ़ाया जाय, करेगा। यदि पूर्व वर्णित कालावधि के भीतर पंचाट नहीं किया जाता तो माध्यस्थम् के लिए निर्देश स्वतः रद्द हो जाएगा और हम नाएँ माध्यस्थम् के लिए बातचीत करने को स्वतंत्र होंगे।

पक्षांशों के हस्ताक्षर

नियोजकों का प्रतिनिधि ह०/बी० पी० बनर्जी

कर्मचारियों का प्रतिनिधि ह०/जयन्त पोद्दर

साक्षी

1. ह०/-

तारीख 13-4-70.

2. ह०/-

तारीख 13-4-70.

[म० 8/74/70-एल० आर० II]

पी० सी० मिश्रा, अवर सचिव।

ORDERS

New Delhi, the 29th May 1970

S.O. 2217.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bankola Colliery, Post Office Ukhra, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

“Whether the action of the management of Bankola Colliery, Post Office Ukhra, District Burdwan in dismissing Shri Dinanath Harijan, loader with effect from the 23rd February, 1970 was justified? If not, to what relief is he entitled?”

[No. 6/18/70-LRIL.]

New Delhi, the 1st June 1970

S.O. 2218.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs D. D. Chakraborty and Brothers, Contractors, Smithy Shop in Neamatpur Workshop of Messrs Equitable Coal Company Limited, Post Office Sitarampur, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether Messrs. D. D. Chakraborty and Brothers, Contractors, Smithy Shop in Neamatpur Workshop of Messrs Equitable Coal Company, Limited, Post Office Sitarampur, District Burdwan are justified in not granting of annual increments due on the 15th August 1968 and on the 15th August 1969, and the payment of dearness allowance in accordance with the recommendations of the Central Wage Board for Coal Mining Industry as accepted by the Government of India in their resolution No. WB.16(5)/66, dated the 21st July 1967. If not, to what relief are the workmen entitled and from what date?"

[No. 6/16/70-LR.II]

S.O. 2219.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Singareni Collieries Company Limited, Post Office Kothagudem Collieries (Andhra Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Sri Mohammad Najmuddin, as Presiding Officer with Headquarters at Afzal Lodge Tilak Road, Ramkote, Hyderabad—1, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

"Having regard to the actual duties performed by Sri Kandi Malliah as a Turner in Venkateshkhan workshop since several years, how far is the management of Singareni Collieries Company Limited, Kothagudem justified in treating him as Mason and Roller Mazdoor and paying him Mazdoor Wages (Old Category III). If not, to what relief is the workman entitled and from what date?"

[No. 7/17/69-LR. II].

P. C. MISRA, Dy. Secy.

(Department of Labour and Employment)

New Delhi, the 16th June 1970

S.O. 2220.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 3) Dhanbad, in the industrial dispute between the employers in relation to the management of Ena Colliery, Post Office Dhansar, District Dhanbad and their workmen, which was received by the Central Government on the 10th June, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3)
AT DHANBAD

REFERENCE NO. 83 OF 1969

PRESENT:

Shri Sachidanand Sinha, M.A.M.L.—Presiding Officer.

PARTIES:

Employers in relation to the Ena Colliery

Vs.

Their workmen.

APPEARANCES:

For employers—Shri M. R. Mukherjee, Manager.

For workmen—Shri H. N. Singh, Vice President, Koyala Mazdoor Panchayat.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 3rd of June, 1970

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Ena Colliery, Post Office-Dhansar, District Dhanbad and their workmen, by its order No. 2/132/69-LRII dated the 4th of November, 1969 referred to this Tribunal under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

"Whether the management of Ena Colliery is justified in suspending their workman Shri Munshi Prasad, underground Trammer from the 19th November, 1968 to the 29th November, 1968? If not, to what relief is the workman entitled?"

2. The written statement on behalf of the Union was filed on the 9th of February, 1970 and the management filed their written statement on the 6th of December, 1969. But it is unnecessary to state the respective cases of the parties because the matter has been settled amicably. Memorandum of compromise which has been verified by Sri H. N. Singh, Vice President, Koyala Mazdoor Panchayat on behalf of the workmen and by Sri M. R. Mukherjee, Manager, Ena Colliery on behalf of the management was filed before this Tribunal on the 1st June, 1970 by Sri R. N. Ganguly, Administrative Officer of Ena Colliery.

3. The terms of compromise are mentioned below:—

"1. The management has agreed without prejudice to the disciplinary action taken against the concerned workman, to pay Rs. 75.00 (Rupees Seventy five) only, to Sri Munshi Prasad, the concerned workman as *ex-gratia* payment for the period of suspension without creating a precedent.

2. It is agreed that the above *ex-gratia* payment will be made within one month from the date of the agreement.

3. That the above terms finally settle the dispute of the present reference."

4. The above terms of compromise are fair, and reasonable and are accepted. Accordingly I pass an award in terms of the joint petition of compromise, a copy of which is annexed with the award.

5. The award may now be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

Encl. : Annexure.

Rptd. 3rd/

(Sd.) SACHIDANAND SINHA,
Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 3, DHANBAD

REFERENCE No. 83 of 1969

Employers in relation to Ena Colliery

AND

Their Workmen.

That without prejudice to the respective contentions of the parties contained in their written statements, the parties above named have amicably settled the above reference on the following terms in the interest of industrial peace and good relations.

Terms:—

- (1) The management has agreed without prejudice to the disciplinary action taken against the concerned workman, to pay Rs. 75.00 (Rupees Seventy five) only to Sri Munshi Prasad, the concerned workman as *ex-gratia* payment for the period of suspension without creating a precedent.
- (2) It is agreed that the above a *ex-gratia* payment will be made within one month from the date of the agreement.
- (3) That the above terms finally settle the dispute of the present reference.

It is, therefore, humbly prayed that the settlement may be accepted and award passed in terms thereof.

For the Workmen.

H. N. SINGH,

Vice President

Koyala Mazdoor Panchayat.

Witnesses:—

1. Illegible.

2. Illegible.

For the Employers.

For the Employers.

M. R. MUKHERJEE,
Manager,
Ena Colliery.

[No. 2/132/69-LR. II.]

New Delhi, the 20th June 1970

S.O. 2221.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 3) Dhanbad, in the industrial dispute between the employers in relation to the management of Ena Colliery of Messrs North West Coal Company Limited, Post Office Dhansar, Dhanbad and their workmen, which was received by the Central Government on the 10th June, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3)
AT DHANBAD

REFERENCE NO. 52 OF 1969

PRESENT:

Shri Sachidanand Sinha, M.A., M.L., Presiding Officer.

PARTIES:

Employers in relation to the Ena Colliery.

VS.

Their workmen.

APPEARANCES:

For workmen—Shri H. N. Singh, Vice President, Koyala Mazdoor Panchayat.

For employers—Shri M. R. Mukherjee, Manager.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, the 2nd June, 1970

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Ena Colliery of Messrs North West Coal Company Limited, Post Office Dhansar, District Dhanbad and their workmen, by its order No. 2/249/68-LRII dated the 11th of August, 1969 referred to this Tribunal under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

“Whether the action of the management of Ena Colliery of Messrs North West Coal Company Limited, Post Office Dhansar, District Dhanbad, in suspending the workmen Shri Ramnath Gope, Surface Trammer, with effect from the 7th September, 1968 to 18th September, 1968, is justified? If not, to what relief the workman is entitled to?”

2. Sri H. N. Singh, Vice President, Koyala Mazdoor Panchayat filed the written statement on behalf of the workmen on 27th August, 1969 and the employers filed their written statement on 16th September, 1969. But I do not consider necessary to discuss the respective stands of the parties because the matter has been settled amicably. Memorandum of settlement which has been verified by Sri H. N. Singh,

Vice President, Koyala Mazdoor Panchayat for and on behalf of the workmen and by Sri M. R. Mukherjee, Manager of Ena Colliery for and on behalf of the employers was filed before this Tribunal by Shri R. N. Ganguly, Administrative Officer of Ena Colliery on the 1st of June, 1970. The terms of compromise are mentioned below:—

- “1. The management has agreed without prejudice to the disciplinary action taken against the concerned workman, to pay Rs. 67.00 (Rupees sixty-seven) only, to Sri Ramnath Gope, the concerned workmen as *ex-gratia* payment for the period of suspension without creating a precedent.
2. It is agreed that the above-*ex-gratia* payment will be made within one month from the date of the agreement.
3. That the above terms finally settle the dispute of the present reference.”
3. The above terms of compromise are fair and reasonable and are accepted. Accordingly I pass an award in terms of the joint petition of compromise, a copy of which is annexed with the award.
4. This may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

Encl.: Annexure.

(Sd.) SACHIDANAND SINHA,

Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 3, DHANBAD

REFERENCE No. 52 OF 1969

Employers in relation to Ena Colliery.

AND

Their Workmen.

That without prejudice to the respective contentions of the parties contained in their written statements, the parties above named have amicably settled the above reference on the following terms in the interest of industrial peace and good relations.

Terms:—

- (1) The management has agreed without prejudice to the disciplinary action taken against the concerned workman, to pay Rs. 67.00 (Rupees sixty-seven) only, to Sri Ramnath Gope, the concerned workman as *ex-gratia* payment for the period of suspension without creating a precedent.

It is agreed that the above *ex-gratia* payment will be made within one month from the date of the agreement.

- (3) That the above terms finally settle the dispute of the present reference.

It is, therefore, humbly prayed that the settlement may be accepted and award passed in terms thereof.

For the Workmen

For the Employers

Witnesses:—

(Sd.) Illegible,—30-5-70

Vice President,

K.M.P.

1. (Sd.) Illegible.
2. (Sd.) Illegible.

(Sd.) Illegible, 30-5-70

Manager,
Ena Colliery.

[No. 2/249/68-LR.II.]

S.O. 2222.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 3) Dhanbad, in the industrial dispute between the employers in relation to the management of Ena Colliery, Post Office Dhansar, District Dhanbad and their workmen, which was received by the Central Government on the 10th June, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD.

REFERENCE NO. 30 OF 1969

PRESENT:

Shri Sachidanand Sinha, M.A., M.L., Presiding Officer.

PARTIES:

Employers in relation to the management of Ena Colliery.

AND

Their workmen.

APPEARANCES:

For employers.—Shri S. K. Bhattacharjee, Agent.

For workmen.—Shri S. Dasgupta, Secretary, Colliery Mazdoor Sangh.

AND

Shri H. N. Singh, Vice President, Koyala Mazdoor Panchayat.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, the 1st June 1970

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Ena Colliery, Post Office Dhansar, District Dhanbad and their workmen, in respect to the matters specified in the Schedule annexed thereto, under powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred the said dispute to this Tribunal for adjudication vide order No. 2/258/68-LRII dated the 30th April, 1969.

2. Schedule to the reference is reproduced below:—

SCHEDULE

"Whether the management of Ena Colliery, Post Office Dhansar, District Dhanbad, was justified in stopping the payment of extra-half day wages with effect from the 15th August, 1967 to their workers for working on Sundays on essential maintenance job? If not, to what relief are the workmen entitled?"

3. Secretary Colliery Mazdoor Sangh, Dhanbad representing the workmen, was originally made a party to the dispute in the order of reference. However, on representation by certain number of workers Vice President Koyala Mazdoor Panchayat was also added as a party to the dispute on the 6th September, 1969, for and on behalf of the workmen.

4. Employers filed their written statement on the 29th May, 1969. Written statements on behalf of the Colliery Mazdoor Sangh and Koyala Mazdoor Panchayat both representing the workmen, were filed on 10th June, 1969 and 11th September, 1969 respectively.

5. I do not consider it necessary to discuss the respective stand of either party as the matter has been settled amicably. Memorandum of settlement which has been verified by Shri S. K. Bhattacharjee, Agent of Ena Colliery for and on behalf of the employers and by S/Shri S. Dasgupta, Secretary Colliery Mazdoor Sangh and H. N. Singh, Vice President Koyala Mazdoor Panchayat both for and on behalf of the workmen was filed before this Tribunal on the 1st of June, 1970 by Shri R. N. Ganguly, Administrative Officer of Ena Colliery.

6. The terms of compromise are appended below:—

"1. It is agreed that the payment of extra half day's wages to those workmen who are called upon to work on Sundays on essential maintenance jobs shall be restored and actual payment shall start for Sunday work falling on 17th May, 1970.

2. That with regard to the claim of the workmen for arrear dues, it is agreed that the workmen as specified in para 1, who had worked on Sundays after 15th August, 1967 to 10th May, 1970 on essential maintenance jobs shall be paid 30 per cent. of the total arrear calculated at the rate of half day's wages as mentioned in para 1 above.

3. It is agreed that the arrear payment shall be made by the end of September, 1970.

4. That the above terms finally settle the dispute of the present reference."

5. The aforesaid terms of compromise being fair and reasonable, are accepted and I pass my award in terms of the joint petition of compromise a copy of which is annexed. This may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,

Presiding Officer.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 3, DHANBAD.

REFERENCE No. 30 of 1969

Employers in relation to Ena Colliery

AND

Their workmen.

That without prejudice to the respective contentions of the parties contained in their written statement, the parties above-named have amicably settled the above reference on the following terms:—

Terms

- (1) It is agreed that the payment of extra half day's wages to those workmen who are called upon to work on Sundays on essential maintenance jobs shall be restored and actual payment shall start for Sunday work falling on 17th May, 1970.
- (2) That with regard to the claim of the workmen for arrear dues, it is agreed that the workmen as specified in para 1, who had worked on Sundays after 15th August, 1967 to 10th May, 1970 on essential maintenance jobs shall be paid 30 per cent. of the total arrear calculated at the rate of half day's wages as mentioned in para 1 above.
- (3) It is agreed that the arrear payment shall be made by the end of September, 1970.

(4) That the above terms finally settle the dispute of the present reference.

It is, therefore humbly prayed that this settlement may be accepted and award passed in terms thereof.

For the workmen:—

S. DASGUPTA,

21-5-70

Secretary, C.M.S.

H. N. SINGH,

30-5-70.

Vice President, K.M.P.

For the employers:—

S. K. BHATTACHARJEE.

Agent

Ena Colliery

21-5-70.

Witnesses:—

1. Illegible.

2. Illegible.

Dated 21-5-70.

[No. 2/258/68-LR.II.]

New Delhi, the 22nd June 1970

S.O. 2223.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute

between the employers in relation to the management of Burhar Amlai Collieries, Post Office Dhanpuri, Burhar, District Shahdol (Madhya Pradesh) and their workmen, which was received by the Central Government on the 10th June, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR

Dated the 23rd May 1970

PRESENT:

Shri G. C. Agarwala, Presiding Officer.

REF. CASE NO. CGIT/LC(R)(20) OF 1966 (JABALPUR TRIBUNAL)

REF. CASE NO. 11 OF 1966 (BOMBAY TRIBUNAL).

PARTIES:

The Agent,
Burhar Amlai Collieries,
P.O. Dhanpuri, Burhar,
Distt.- Shahdol (M.P.).

Versus

The General Secretary,
Burhar Colliery Mazdoor Sabha,
P.O. Dhanpuri, Distt.-Shahdol (M.P.)

APPEARANCES:

For the Employers—Shri B. S. Sekhon, Personnel Officer.

For the Union—Shri Laxmi Chand Gupta, General Secretary, Burhar Colliery Mazdoor Sabha.

INDUSTRY: Coal Mines.

DISTRICT: Shahdol (M.P.).

AWARD

By Government Notification No. 5/1/65-LRII dated 19th March, 1966 the following matter of dispute was referred to Bombay Central Government Industrial Tribunal. The case was subsequently transferred to this Tribunal by Government Notification No. 8/141/66-LRII dated 17th September, 1966, for adjudication:—

Matter of Dispute.

Whether the dismissal of the following workmen with effect from 9th June, 1964 was justified and if not to what relief are they entitled?

1. Shri Laxmi Chand Gupta.
2. Shri Sunney Edward.
3. Shri Kabool Singh S/o Amar Singh C.R.O. Miner Amlai Colliery.
4. Shri Jhiloo S/o Biswanath C.R.O. Miner Amlai Colliery.
5. Shri Ram Chandar S/o Puranwas C.R.O. Miner Amlai Colliery.
6. Shri Baboo Lal S/o Kedar C.R.O. Miner Amlai Colliery.
7. Shri Ramkreet S/o Lachhan C.R.O. Burhar No. 2.
8. Shri Ramlautan S/o Kanhai C.R.O. Burhar No. 2.
9. Shri Jabahir S/o Parbhu C.R.O. Burhar No. 2.
10. Shri Rambaran S/o Bikam C.R.O. Burhar No. 1.
11. Shri Sita Ram S/o Mithu Das C.R.O. Burhar No. 1.
12. Shri Moti Lal S/o Ram Lagan C.R.O. Burhar No. 1.
13. Shri Jawahar Lal S/o Jagannath C.R.O. Burhar No. 1.
14. Shri Durga S/o Sadaloo Das C.R.O. Burhar No. 1.
15. Shri Somai S/o Gulley C.R.O. Burhar No. 1.
16. Shri Ramnath S/o Ramdeen C.R.O. Burhar No. 2.
17. Shri Chanderdeo S/o Ramsaran Siding Guard Amlai Colliery.

After reference was made and before hearing could be rendered on merits, the employers filed a writ petition in the Hon'ble High Court with the result

that the proceedings remained stayed from November, 1966 to April, 1969. After the writ was dismissed, the employers filed a special appeal before the Hon'ble Supreme Court and from May, 1969 onwards, the stay was continued by an order of the Hon'ble Supreme Court. In January, 1970 the employers intimated that they had entered into a compromise of the dispute which concerns dismissal of 16 workmen and was sponsored by Burhar Colliery Mazdoor Sabha. The compromise petition was filed with an application by the employers on 30th January, 1970 bearing signatures of union office bearers and some of the workmen concerned intimating that the compromise should be accepted and an award be recorded in terms thereof. Since, however, there was stay order of the Hon'ble Supreme Court in operation, the employers were directed to apply before the Hon'ble Supreme Court and to have the stay order vacated. The employers have now filed a certified copy of the Supreme Court's order dated March 15, 1970 which runs as follows:—

The parties are agreed that the appeal be disposed of in terms of compromise. Order in terms of compromise subject to the modification in the consent terms that the amount of compensation shall be paid within a fortnight from this date.

The employers representatives was directed to file a copy of the original petition and also the copy of the compromise petition which may have been filed before the Hon'ble Court. This has been done now on an affidavit. It appears that a copy of the compromise petition dated 26th January, 1970 which was originally filed before this tribunal, was filed before the Hon'ble Supreme Court. The Hon'ble Court accepted the said compromise with the modification that compensation in terms of the compromise be paid within a fortnight. Shri B. S. Sekhon Personnel Officer of the employers has filed an affidavit stating that compensation to Shri Laxmi Chand Gupta amounting to Rs. 1100/- have been paid. This was admitted by Shri Gupta who was present at the time of hearing on this date. Another workman Shri Sunney Edward has also been paid Rs. 7000/- as agreed upon in compromise for which relevant proof was produced. For the remaining 16 C.R.O. workers and in respect of whom the amount of compensation is stated in Annexure 'A' to the compromise petition, Shri Sekhon has sworn in the affidavit that payment was made to six personally and was remitted to remaining ten. Out of these ten, seven received the money orders and M.O.'s of three were received back. He further stated that out of these three, one has subsequently accepted payment and the amount payable to the remaining two S/Shri Ram Lal and Durga Prasad shall be paid to them as and when demanded. After the compromise has been accepted by the Hon'ble Supreme Court it is not possible for this Court to examine its terms as to the justifiability and reasonableness of the terms. Shri Laxmi Chand Gupta, however, applied that apart from termination of services of the workmen concerned there were other items of claim which are still due against the employers and the matter is pending in conciliation. This tribunal is not concerned with that question.

It is therefore ordered an award in terms of compromise petition dated 26th January, 1970 as modified by the Hon'ble Supreme Court's order dated 9th March, 1970 be and is hereby recorded. A compromise petition dated 26th January, 1970 together with the Hon'ble Supreme Court's order dated 9th March, 1970 shall form part of the award.

G. C. AGARWALA, Presiding Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL, TRIBUNAL CUM-LABOUR COURT, JABALPUR

REF. No. CIT/IC-20/1966

PARTIES:

Workmen represented by Burhar Colliery Mazdoor Sabha, P.O. Dhanpuri, District Shahdol, M.P.

Versus

Employers in relation to Burhar and Amlai Collieries of M/s. Rewa Coal-fields Limited, P.O. Dhanpuri, District Shahdol, M.P.

Both the above mentioned parties jointly submit as under:—

- That the dispute covered by above reference of the Honourable Court relates to dismissal of Sarwashree Luxmichand Gupta, Sunney Edward and 16 C.R.O.

workers, who were dismissed by the management in June 1964; on the allegation because they took active part in formulating an illegal strike of C.R.O. workers in the mines and instigated them to resort to violence.

2. That the above said Union raised an Industrial Dispute over the dismissal of the above persons before the Government Conciliation machinery which ended in failure and the Government Conciliation Officer submitted his Failure Report to the Government of India, Ministry of Labour and Employment.

3. That the Government of India, Ministry of Labour and Employment, New Delhi, under their letter No. 5/1/65-LR.II, dated 16th June 1965 informed the management and the Union concerned that the Government of India did not consider the dispute fit for reference to Industrial Tribunal for adjudication, because the workmen were dismissed for proved misconduct and the Union failed to substantiate the allegation of victimisation.

4. That the strike was also declared as illegal by the Regional Labour Commissioner (C), Jabalpur under his decision dated 25th June 1964.

5. That the Government of India, Ministry of Labour and Employment, under their reference No. 5/1/65/LR-II, dated 19th March, 1966 covered by S.O. 906 published in the Government of India Gazette dated 23rd March, 1966 referred the above said dispute of Shri Laxmichand Gupta and others for adjudication.

6. That the management being aggrieved with this revised decision of the Government of India filed the Writ Application in the Hon'ble High Court, Jabalpur, that the reference of the Government of India dated 19th March, 1966 be quashed by the writ in nature *certiorari*.

7. That the management being aggrieved with the decision of the Hon'ble High Court under their judgment dated 25th November, 1968 in their Misc. Petition No. 569 of 1966 filed an Appeal in the Supreme Court under Civil Miscellaneous Petition Number 2360 of 1969.

8. That the workmen concerned, their representative Union and the management have now mutually resolved this dispute amongst themselves on the following terms:—

That Shri Laxmichand Gupta be treated as discharged from service from 9th June 1964. He will not prefer any claim against the management with regard to his re-instatement or compensation thereof in any other form. Shri Luxmichand Gupta will be paid by the management in all Rs. 11,000 (Rs. eleven thousand) as compensation in full and final settlement of his claims against the management. And this settles all his disputes against the management.

10. That Shri Sunney Edward be treated as discharged from service from 9th June, 1964. He will not prefer any claim against the management with regard to his re-instatement or compensation thereof in any other form. Shri Sunney Edward will be paid by the management in all Rs. 7,000/- (Rs. seven thousand) as compensation in full and final settlement of his claims against the management. And this settles all his disputes against the management.

11. That the names of 16 C.R.O. workers concerned are as under:—

1. Shri Sitaram s/o Mithodas.
2. Shri Chandradeo s/o Ramsaran.
3. Shri Ramnath s/o Ramdhln.
4. Shri Somai s/o Gulley.
5. Shri Durga Prasad s/o Sadhoodas.
6. Shri Jawaharlal s/o Jagarnath.
7. Shri Motilal s/o Ramlagan.
8. Shri Rambharan s/o Bikahu.
9. Shri Jawahir s/o Prabhu.

10. Shri Ramlautan s/o Kanhai.
11. Shri Baboolal s/o Kedar.
12. Shri Ramchandra s/o Purnamasi.
13. Shri Jhillo s/o Biswanath.
14. Shri Kabool Singh s/o Amar Singh.
15. Shri Rampreet s/o Lochan.
16. Shri Ramlal s/o Ram Gulam.

The employment of the above C.R.O. workers was for a period of 11 months only on contract basis with the management, and they had already completed some portion of their contract of employment with the Management. It is agreed upon by the parties that these C.R.O. workers named above will be paid by the management the amount as shown against their names given in Annexure 'A' attached, as full and final settlement of their claims against the management. They will not prefer any other claim against the Management with regard to their employment or compensation thereof in any form. This payment will be treated as settlement of all their disputes against the management.

12. That the above reference (dispute) has been amicably settled by the parties on the above terms. The workmen are still the members of this Union and this agreement shall be binding on all the workmen concerned and the Union and the Management.

13. That there will not be any dispute in future about the genuineness or the bona fides of this settlement.

14. That the parties agree that if any other reference is pending in any of the court or before any other authority with regard to these workmen shall not be pursued by them.

15. That the parties will bear their respective costs of this reference.

16. That it is amicably prayed by both the parties that this Agreement may kindly be recorded and an award passed in terms thereof.

17. That the management agrees to withdraw their Misc. petition before the Supreme Court connected with this dispute.

Signatures of the
representatives of

the Management :

(Asa Singh)

CHIEF MINING ENGINEER,

Rewa Coalfields Ltd.

(V.M. Thakraney)
Legal & Personnel Advisor.

Signatures of the
representatives of

the Union.

(KESHAO PRASAD)

PRESIDENT,

Burhar Colliery Mazdoor Sabha.

(Luxmi Chand Gupta)
General Secretary

Burhar Colliery Mazdoor Sabha. (Lt. of Ramkreet)

Signatures of the
workmen :-

राम चन्द्र (Ram Chandra)

सोता राम (Sita Ram)

मोती लाल (Moti Lal)

राम नाथ (Ram Nath)

Lt. of Jhitto

(Lt. of Ramkreet)

Dated 26th January, 1970

Witnesses:

Sd./ Illegible

ANNEXURE 'A'

Names of 16 C.R.O. Workers and the amount agreed upon to be paid to them.

Sl.	Name	Amount
1.	Shri Sitaram s/o Mithodas .	Rs. 230·25
2.	Shri Chandradeo s/o Ramsaran .	Rs. 633·05
3.	Shri Ramnath s/o Ramdhin .	Rs. 287·75
4.	Shri Somai s/o Gulley .	Rs. 1266·15
5.	Shri Durga Prasad s/o Sadhoodas .	Rs. 115·20
6.	Shri Jawaharlal s/o Jagarnath .	Rs. 115·20
7.	Shri Motilal s/o Ramlagan .	Rs. 690·60
8.	Shri Rambharan s/o Bikahu .	Rs. 230·25
9.	Shri Jawahir s/o Prabhu .	Rs. 805·70
10.	Shri Ramlautal s/o Kanhai .	Rs. 230·25
11.	Shri Baboolal s/o Kedar .	Rs. 805·70
12.	Shri Ramchandra s/o Purnamas .	Rs. 115·20
13.	Shri Jhillo s/o Biswanath .	Rs. 920·85
14.	Shri Kabool Singh s/o Amarsingh .	Rs. 345·30
15.	Shri Ranpreet s/o Lochan .	Rs. 805·70
16.	Shri Ramlal s/o Ramgulam .	Rs. 402·85
TOTAL		Rs. 8000·00

The amount shown above has been calculated pro-rata on the basis of the actual period of service with the Management.

PART OF THE AWARD

(Sd.) G. C. AGARWALA,
Presiding Officer.
23rd May, 1970

ANNEXURE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

C.M.P. No. 909/70

IN CIVIL APPEAL NO. 1535 OF 1969

The Rewa Coalfields Ltd. and Anr. Appts.—Perts.

Versus

The Central Government Industrial Tribunal-cum-Labour Court, Jabalpur and Ors. Respondents.

(For withdrawal of Stay Petition in view of compromise).

ORDER

The parties are agreed that the appeal should be disposed of in terms of compromise. Order in terms of compromise subject to the modification in the consent terms that the amount of compensation shall be paid within a fortnight from this date.

(Sd.) J. C. SHAH.

(Sd.) K. S. HEDGE.

(Sd.) A. N. GROVER.

G. C. AGARWALA,
Presiding Officer.

PART OF THE AWARD

Dated: March 9, 1970.

[No. 5/1/65-LRII.]

T. K. RAMACHANDRAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 17th June 1970

S.O. 2224.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Magnore Mining Company, Post Office Londa, Belgaum District (Mysore State), have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of August, 1969.

[No. 8/26/70-PF.II.]

(अम और रोजगार विभाग)

नई दिल्ली, 17 जून, 1970

का० आ० 2224.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मैग्नोर माइनिंग कम्पनी, डाकघर लोंडा, जिला बेलगांव (मेसूर राज्य) नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की वहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एनद्वारा लागू करती है।

यह अधिसूचना 1969 के अगस्त के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8/26/70-भ० नि० 2]

S.O. 2225.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Semac Private Limited, Palace Cross Road, Bangalore-20, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the Thirtieth day of September, 1969.

[No. 8/49/70-PF.II.]

का० आ० 2225.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सेमक प्राइवेट लिमिटेड, पैलेस क्रास रोड, बंगलौर-20 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की वहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एनद्वारा लागू करती है।

यह अधिसूचना 1969 के सितम्बर के तीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[संख्या 8/49/70-पी० एफ० 2]

S.O. 2226.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs P. N. Ganesan Business Machine Company, 14, Judge Gambulinga Mudaliar Road, Madras-4 with its branch at Civil Lines, Kanpur have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of August, 1969.

[No. 8/71/70-PF.II(i).]

का० आ० 2226.—यह प्रतीत होता है कि मैसर्स पी० एन० गणेशन बिजिनिस मशीन कम्पनी, 14 जज जम्बुलिंग मुदलियार रोड, मद्रास - 4, जिसमें उसकी सिविल लाइन्स कानपुर स्थित शाखा सम्मिलित है नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहु संख्या इस बात पर महसूत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपप्रबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपप्रबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1969 के अगस्त के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[मं० 8/71/70-पी० एफ० 2 (i).]

S.O. 2227.—In exercise of the powers conferred by first proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies that, with effect from the 1st August, 1969 section 6 of the said Act shall be in its application to M/s. P. N. Ganesan Business Machine Company, 14, Judge Gambulinga Mudaliar Road, Madras-4 with its branch at Civil Lines, Kanpur be subject to the modification that for the words "six and a quarter per cent", the word "eight per cent" were substituted.

[No. 8/71/70-PF.II(ii).]

का० आ० 2227.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इस विषय में आवश्यक जांच कर लेने के पश्चात् एतद्वारा यह विनिर्दिष्ट करती है कि उक्त अधिनियम की धारा 6 प्रथम अगस्त, 1969 से मैसर्स पी० एन० गणेशन बिजिनिस मशीन कम्पनी, 14 जज जम्बुलिंग मुदलियार रोड, मद्रास - 4, जिसमें उसकी सिविल लाइन्स, कानपुर स्थित शाखा सम्मिलित है को लागू होने के सम्बन्ध में इस उपांतरण के अध्यधीन होंगी कि "सबा छह प्रतिशत" शब्दों के स्थान पर "आठ प्रतिशत" शब्द प्रतिस्थापित किए जायें।

[मं० 8/71/70-पी० एफ० 11(ii)]

S.O. 2228.—Whereas it appears to the Central Government that the employer all the employees in relation to the establishment known as The Jai Hind Talkies, Badnera, District Amravati, Maharashtra have agreed that the provisions of the employees' Pravident Funds 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of September, 1969.

[No. 8/70/70-PF.II.]

का० आ० 2228.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जय हिंद टाकीज, बदनेरा, जिला अमरावती, महाराष्ट्र नामक स्थापन से सम्बद्ध नियोजक और मर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1969 के सितम्बर के तीसरे दिन को प्रवृत्त हुई समझी जाएगी।

[संख्या 8/76/70-पी० एफ० 2]

S.O. 2229.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as The Standard Mills Company Limited, Chemical Division, P.O. Box No. 23, Thana Belapur Road, Thana, Maharashtra have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of December, 1969.

[No. 8/77/70-PF.II.]

का० आ० 2229.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि स्टैडर्ड मिल्स कम्पनी लिमिटेड, केमिकल्स डिवीजन, डा० बांकस संख्या 23, थाना बेलापुर रोड, थाना, महाराष्ट्र नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1969 के दिसम्बर के इकट्ठीसर्वे दिन को प्रवृत्त हुई समझी जाएगी।

[संख्या 8/77/70-पी० एफ० 2]

S.O. 2230.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Mittertex Fabrics, 336-A, Kalbadevi Road, 3rd Floor, Bombay-2 have agreed that the provisions of the Employees' Provident Funds Act, 1952, should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1968.

[No. 8/78/70-PF. II.]

का० आ० 2230.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मिल्टरेटेक्स फेब्रिक्स, 336-ए, कालबादेवी रोड, तीसरी मंजिल, मुम्बई-2 नामक स्थापन से सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1968 की जनवरी के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8/78/70-पी० एफ० 2]

S.O. 2231.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as the Sanjay Sales Corporation, Bank of Maharashtra Building, 5th Floor, Apollo Street, Bombay-1 including its branches at Bangalore, New Delhi, Calcutta and Sales Depot at Dadar (Bombay-14) have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of December, 1968.

[No. 8/82/70-PF. II(i).]

का० आ० 2231.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स संजय सेल्स कार्पोरेशन, बैंक आफ महाराष्ट्र भवन, पांचबी मंजिल, अपोलो स्ट्रीट, मुम्बई-1, जिसमें उसकी बैंगलूर, नई दिल्ली तथा कलकत्ता की शाखाएं और दावरा (मुम्बई-14) का विक्रय डीपो भी सम्मिलित है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्यनिधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1968 के दिसम्बर के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8/82/70-पी० एफ० 2(i)]

S.O. 2232.—In exercise of the powers conferred by first proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies that, with effect from the 1st December, 1968 section 6 of the said Act shall in its application to the Sanjay Sales Corporation, Bank of Maharashtra Building, 5th Floor, Apollo Street, Bombay-1 including its branches at Bangalore, New Delhi, Calcutta and Sales Depot at Dadar (Bombay-14) be subject to the modification that for the words "six and a quarter per cent", the words "eight per cent" were substituted.

[No. 8/82/70-PF. II(ii).]

का० आ० 2232.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इस विषय में आवश्यक जांच कर लेने के पश्चात् एतद्वारा यह विनिर्दिष्ट करती है कि उक्त अधिनियम की धारा 6 प्रथम दिसम्बर, 1968 से संजय सेल्स कार्पोरेशन, बैंक आफ महाराष्ट्र भवन, पांचबी मंजिल, अपोलो स्ट्रीट, मुम्बई-1, जिसमें इसकी बैंगलूर, नई दिल्ली तथा कलकत्ता की शाखाएं और दादर (मुम्बई-14) का विक्रय डीपो भी सम्मिलित है, को लागू होने के सम्बन्ध में इस उपातरण के अध्यधीन होगी कि "सवा छह प्रतिशत" शब्दों के स्थान पर "आठ प्रतिशत" शब्द प्रतिस्थापित किए जायें।

[सं० 8/82/70-पी० एफ० II (ii)]

S.O. 2233.—Whereas it appears to the Central Government that the employer and all the employees in relation to the establishment known as the Millowners' Mutual Insurance Association Limited, Elphinstone Building, Veer Nariman Road, Fort, Bombay have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of November, 1969.

[No. 8/84/70-PF.II.]

का० घा० 2233.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मिल आनंद म्युचुअल इंश्योरेंस ऐसीसिएशन लिमिटेड, एलफिस्टन बिल्डिंग, वीर नरीमन रोड, फोर्ट, मुम्बई नामक स्थापन से सम्बद्ध नियोजक और सभी कर्मचारी इस बात पर सहमत हो गए हैं कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1969 के नवम्बर के तीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[संख्या 8/84/70-पी० एफ० 2]

S.O. 2384.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sahney Kirkwood, Commutators Private Limited, 27, Kirol Near Vidyavilas Railway Station, Bombay-86, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtyfirst day of December, 1969.

[No. 8/85/70/PF.II.]

का० घा० 2234.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स साहनी किंवुड काम्प्युटर्स प्राइवेट लिमिटेड, 27 किरोल विद्या विहार रेलवे स्टेशन के निकट, मुम्बई 86 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1969 के दिसम्बर के इक्कीसवें दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8/85/70-पी० एफ० 2]

S.O. 2235.—Whereas it appears to the Central Government that the employer and all the employees in relation to the establishment known as Messrs Pearl Investment Company Limited, P-38, India Exchange Place Calcutta-1 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall come into force on the thirtieth day of June, 1970.

[No. 8/86/70-PF.II.]

का० आ० 2235.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पर्ल हेवेस्टमैट कम्पनी लिमिटेड, पी-38 इण्डिया एक्सचेंज प्लेस, कलकत्ता-1 नामक स्थापन से सम्बद्ध नियोजक और सभी कर्मचारी इसबात पर सहमत हो गए हैं कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1970 के जून के तीसवें दिन को प्रवृत्त होगी।

[सं० 8/86/70-पी० एफ० 2]

S.O. 2236.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Syndets and Resinous Chemicals Private Ltd., 19, R. N. Mukherjee Road, Calcutta-1 including its factory at J-53, Industrial Estate, Dasnagar, Howrah have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall come into force on the Thirty first day of May, 1970.
[No. 8/89/70-PF.II.]

का० आ० 2236.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सिन्डेट्स एण्ड रेसिन्युअर्स केमिकल्स प्राइवेट लिमिटेड, 19 आर० एन० मुखर्जी रोड, कलकत्ता-1 नामक स्थापन, जिसमें जे-53 हैंडस्ट्रियल एस्टेट, दास नगर, हावड़ा का इसका कारबाना सम्मिलित है से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1970 की मई के द्वातीसवें दिन को प्रवृत्त होगी।

[सं० 8/89/70-पी० एफ० 2]

S.O. 2237.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Natural Therapy Clinic, Sumana House, 3rd Floor, 140, Cumballa Hill, Bombay-26 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1969.

[No. 8/90/70-PF.II.]

का० आ० 2237.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स नैचुरल बेरापी किलनिक, सुमन हाउस, तीसरी मंजिल 140, कंबाल्ला व्हिल, मुम्बई-26 नामक स्थापन से सम्बद्ध नियोजक श्री कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19') के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1969 के अप्रैल के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8/90/70-पी० एफ० 2]

S.O. 2238.—Whereas it appears to the Central Government that the employees and the majority of the employees in relation to the establishment known as Messrs Krishna Theatre, Amritsar have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 30th April, 1970.

[No. 8/91/70-PF.II.]

B. K. SAKSENA, Under Secy.

का० आ० 2238.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स कृष्णा थिएटर, अमृतसर नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा तीस अप्रैल, 1970 से लागू करती है।

[सं० 8/91/70-पी० एफ० 2]

बी० कै० सक्षमा, अवर सचिव।

(Department of Labour and Employment)

New Delhi, the 17th June 1970

S.O. 2239.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Punjab National Bank and their workmen, which was received by the Central Government on the 10th June, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

CAMP AT JAGDALPUR

Dated the 30th May, 1970

PRESENT:

Shri G. C. Agarwala, Presiding Officer.

CASE No. CGIT/LC(R)(5) OF 1970.

PARTIES:

Employers in relation to Punjab National Bank, Raipur.

Versus

Its workman.

APPEARANCES:

For Employers—Shri P. P. Raizada, Staff Officer.

For workmen—Workmen, Sri Iqbal Singh, himself.

INDUSTRY:—Bank

DISTRICT:—Raipur (M.P.)

AWARD

By Notification No. 23/111/69/LRIII, dated 11th February, 1970, the Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment), Government of India, referred the following matter of dispute as stated in schedule to the order of reference to this Tribunal, for adjudication:—

Matter of Dispute

Whether the action of the management of the Punjab National Bank in terminating the services of Shri Iqbal Singh, Godown Chowkidar, Raipur Branch of the Bank with effect from the 9th December, 1967 was justified? If not, to what relief is he entitled?

The facts are short and simple. Sri Iqbal Singh alias Khusi Singh is a discharged military employee. The Bank first appointed him in short casual vacancies as a temporary Godown Keeper, from 7th January, 1964 with breaks at intervals. From 20th November, 1964 he has been in continuous employment as temporary Godown Keeper to watch the Godowns of different parties. As and when account of a particular party was closed and stocks were released the employment of Sri Iqbal Singh came to an end but his services continued to be employed with different parties and there was no break in his service from 20th November, 1964. He was last employed to look after the Godowns of Punjab Oil Mills Raipur when his services were terminated by an order dated 9th December, 1967. This was because he has been arrested by police on 18th October, 1967 for an offence of abduction of a girl but was released on bail on 22nd October, 1967. The Bank came to know of his arrest from a news item appearing in newspaper and consequently it was not considered desirable to keep him in further employment. Sri Iqbal Singh was, however, discharged and the police did not proceed with the case. He raised an industrial dispute which in due course resulted in this reference. His main contention is that although he was termed as a temporary employee yet for all practical purposes he was in permanent employment from 20th October, 1964 there having been no break in his service. Since his discharge was punitive and he was found innocent by the court the Bank was not justified in terminating his services. The Bank on the other hand contended that Sri Iqbal Singh was wholly a temporary employee and his services could be terminated at any time. He was in regular employment with the Bank but he was employed to watch the godowns of different parties and his services came to an end as and when the accounts were cleared. His services were, however, continued to be utilised on their account. His services were terminated bona fide and it was a case of discharge simpliciter. There was no necessity to take disciplinary proceedings. The pleadings of the parties gave rise to the following issues framed for determination of the case.

Issues

1. Was the workman Sri Iqbal Singh a temporary employee?
2. Was the termination a discharge simpliciter and for bona fide reasons?
3. Was the discharge punitive and the bank was bound to follow the procedure laid down in paragraphs 19.1 to 19.12 Chapter XIX of Bi-partite settlement. If so, its effect?

^gs

No. 1.—That Sri Iqbal Singh was a temporary employee admits of no doubt. The various appointment letters filed by the Bank Exts. E/1 to E/10 show that he had been temporary employee with different parties at the same time to those customers. Extract from the salary bills filed by the Bank (Ex. 1) also bears this fact out. As a matter of fact, while raising an industrial claim in conciliation he had himself described his employment as a temporary Godown Keeper in communication addressed to the A.L.C.(Central), a copy of which has been filed by the Bank with the statement of claim. The contention of Sri Iqbal Singh that he should be deemed to be a permanent employee because of continuous service cannot be accepted. There is no deeming provision in the Bank's awards, namely, Sastri and the Desal awards, nor in the Bi-partite settlement, that a temporary Godown Keeper after a certain period shall be deemed to be a permanent employee. Paragraph 20.13 of Bi-partite settlement reads as follows:—

Temporary godown-keepers and godown-watchmen who are required to look after one or more godowns belonging generally to one party and whose salary and allowances are generally borne by the parties who are owners of the goods in the godowns, shall, if their work has been

found satisfactory and if their services can be utilised to look after other godowns in the same place or other places or in the clerical establishment of the bank, on completion of one year's service, be given preference for absorption in the permanent service of the bank, subject to the bank's recruitment rules, if any."

The above quoted provision is merely recommendatory in nature. Without a specific order of the Bank or an award by a Tribunal he cannot be deemed to have been a permanent Godown-keeper. The nature of his employment was temporary and the Bank could terminate his services as a temporary employee.

Issue Nos. 2 and 3.— Both these issues may be taken up together. The Desai award in paragraph 522(4) page 146 recorded that "the services of an employee other than a permanent employee or probationer may be terminated or he may leave services after 14 days notice". In other words, the services of the temporary employee can be terminated on 14 days notice. The Bank, however, gave him a month's salary and allowance in lieu of notice by reason of Sec. 58 of M.P. Shop and Establishment Act. The right of discharge is vested in the Bank not only for temporary employees but also for permanent employees with this modification that for a permanent employee the period of notice shall be three months. There has been no change in Desai award or in Bi-partite settlement in this provision. The Bank, therefore, exercised this right and discharged the services. The action of the Bank cannot be called *mala fide*. Whether Sri Iqbal Singh was innocent or not is an immaterial fact. The Bank had a legitimate ground to suppose that person who has been arrested on a charge of abduction of a girl is not a proper person to be kept in employment particularly of a temporary nature. This discharge cannot be termed to be punitive and there was no obligation to follow the procedure laid down in paragraph 19.1 to 19.12 Chapter XIX of the Bi-partite Settlement. Evidently there was no oblique motive in getting rid of Sri Iqbal Singh. The Bank used its discretion in a *bona-fide* manner. The termination therefore, was a discharge *simpliciter* and *bona fide*. It was not a punitive discharge.

Decision.— The result is that there is no merit in the dispute. The action of the management in terminating the services of Sri Iqbal Singh, Godown-keeper is held to be justified. He is not entitled to any relief. No order for costs.

(Sd.) G. C. AGARWALA,
Presiding Officer

30th May, 1970.

[No. 23/111/69/LR]
S. S. SAHASRANAMAN, Under S

(Department of Labour and Employment)

New Delhi, the 18th June 1970

S.O. 2240.—In exercise of the powers conferred by sub-section (1) of section 19 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government makes the following further amendments in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2680, dated the 17th July, 1968, namely

In the Table appended to the said notification—

(a) in Item VII, for the entry in column (3), the following entry, be substituted, namely:—

"The State of Bihar";

(b) in item XI, for the entry in column (3), the following entry, be substituted, namely:—

"The State of Orissa".

[No. 8(4)/70-WI

HANS RAJ CHHABRA, Uc

(श्रम और रोजगार विभाग)

नई दिल्ली, 18 जून 1970

का० आ० 2240:—न्यूनतम मजदूरी अधिनियम, 1948 (1948 का 1) की धारा 19 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का०आ० 2680 तारीख 17 जुलाई 1968 में और आगे निम्नलिखित संशोधन एवंद्वारा करती है, अर्थात् :—

उक्त अधिसूचना से उपायकृत सारणी में :—

(क) मद 7 में, स्तम्भ (3) की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात् :—

“बिहार राज्य” ;

(ख) मद 11 में, स्तम्भ (3) को प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात् :—

“उड़ीसा राज्य” ।

[संख्या 8 (4)/70-डब्ल्यू० ई० (एम० : डब्ल्यू०)]

हंस राज छाबड़ा, अमर सचिव ।

